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"We must allow a latitude to the free discussion of the merits and demerits of authors and their works; "otherwise we may *talk*, indeed, of the liberty of the press, but there will be *in reality* an *end of it*."—Report of Lord Ellenborough's Charge.

TO THE RIGHT HONOURABLE

LORD ELLENBOROUGH,

CHIEF JUSTICE OF THE COURT OF KING'S BENCH.

My Lord;

Either that *liberty*, of which we have boasted, and do boast, so much, is a mere sound, invented by politicians for purposes resembling those for which priests invented relicks and penances, and for which methodist preachers pretend to inspiration; either the whole thing is, in short, a specious and delusive fraud, or the result of the Action, recently tried before your lordship, in the case of Carr against Hood and Sharpe, is not only of greater importance to the nation than the recent victories over the French, in Portugal, but of greater importance than would be a series of victories, by which Buonaparte should be overthrown. For, what do we promise ourselves, as the fruit of such victories? Why, the secure enjoyment of our lives and property; security from that oppression, which we should, in all probability, experience at his hands. This, after all, is the sole end of all our sacrifices and of the dangers and sufferings of our countrymen who are in arms. There is no other rational purpose that we can have in view. This being the case, I am pretty confident, that the public, when they duly reflect upon the matter, will be convinced, that, on the 25th of July last, a greater victory was gained for England under your lordship, than has been gained, by land or sea, for many years past.

The doctrines, laid down by your lordship, upon this memorable occasion, seem, indeed, to have been restricted as to their application. They seem to have been, rather carefully, confined to "*authors* and *their* "*works*;" but, in pursuance of the purpose for which alone I now address you, I shall, I think, succeed in convincing your lordship, that this restriction cannot subsist, consistently with reason and justice. I have, below, given an abridgment of the Report of the Trial, in which I have retained *all* that was said by your lordship; but, that we may have the matter fairly before us, I will here shortly state the substance of your doctrines, supposing what you said to have been correctly reported; for, as to myself, I, of course, who was not present at the trial, can state nothing from my own knowledge. I take this report as I find it; I lay it before my readers as being a report given, in print, by another person; I take it up, I treat it as a book; and, if it be what it professes to be, it contains the words uttered by you upon the occasion referred to.

The first of these words I have taken for my motto. The next time you speak, you say, that we must really not cramp observations upon authors and their works; that they should be liable to exposure, to criticism, and even to ridicule, if their works be ridiculous; that, otherwise, the first who writes a book upon any subject, will maintain a monopoly of sentiment upon it; that thus vice and error will be perpetuated, and so we should go on to the end of time; and that you cannot conceive that an action is maintainable on such ground. Upon Mr. Garrow's observing, that, though an author's book might be ridiculed, the critics had no right to endeavour to destroy him altogether as an author, your lordship said, that you did not know that; that, (speaking in the interrogative form) suppose a man publihsed a book injurious to public morals, of infinite mischief to the public taste, containing bad maxims of government, or any thing else that ought to be decried, are we not at liberty to expose that work? Aye, and expose the author of it too, as far as he is connected with the work, and that in the most pointed language of wit, humour, or ridicule; that, a critic, in such case conferred a benefit on the public; that the destruction of the author's reputation was nothing; that it was a reputation which ought to be destroyed; that it was idle to talk of the liberty of the press, if one man might not write freely upon the work of another; that, if there had been an attack upon the moral character of the author, or any attack on his character unconnected with his work, the law would have afforded him protection. Upon Mr. Garrow's saying, that the defendants had not destroyed Carr's reputa

tion *fairly*, your lordship said that *he* must show that it was *not fairly* done; and, upon his replying, that the *caricature* was a proof of unfairness, your lordship bade him go on with his case.——In your charge, after having repeated your sentiment respecting the public utility of writing down bad books, you said, that this, however, was applicable to *fair and candid* criticism; that, as to the *loss* sustained by an author from such a cause, it was what you, in the law, called damnum absque injuriâ, *a loss which the law does not consider as an injury*, because it is a loss which he ought to sustain, a loss of fame and profits to which he was never entitled; that, if it were otherwise, you did not know where we were to stop; that you knew of nothing that more threatened the liberty of the press, in the days in which we live, than to give encouragement to this species of action; that, however, you wished not to be misunderstood, for that, if there had been any thing in the criticism, of a libellous tendency, *wholly foreign to the work*, or unconnected with the author of it, as *embodied* in it, the action was maintainable; that neither yourself nor the jury had ever appeared before the world in the character of an author, or at least you never had; that, if you had, you should not think yourself entitled to maintain an action against any body else, who ridiculed your work, and proved it to be ridiculous; that, in fine, if the jury thought, that the criticism was upon the work, and upon the author as connected with the work, and not written by way of calumny upon him *as an individual*, you were of opinion that the action was not maintainable; that if, on the contrary, they should be of opinion, that the criticism was written against the author, *as a man*, and unconnected with his work, then you thought the action was maintainable.—— *After the verdict was given*, your lordship (a thing not very common, I believe) thought it necessary to caution the audience against a misunderstanding of what had passed. "I hope nobody will understand, from the "result of this trial, that there is the least "countenance given to *slander*, or to ridi- "cule any author, any more than *any other* "*individual*, unless such ridicule be *con-* "*nected with his works, and the author is* "*embodied with his work*; for courts of "justice are as tender of the moral charac- "ters of all men, whether they be authors "or not, as they are firm in the mainte- "nance of the right of every individual, to "give a free opinion, on *every publication* "*of a literary work*."

It is, my lord, into the reasonableness and the justice of these *reservations* and *restrictions* that I now propose to inquire. First, as to the qualification of the word "criticism." Your lordship would have it to be *fair*, and, in one place, it would seem, that you insist upon its being *candid* as well as fair. I always thought, that the words were synonymous; but, whatever be their meaning, they express that quality which you hold to be necessary, in order to justify the criticism, though the author be embodied in his work. But, my lord, be this quality what it may, *who* is to tell us whether it exist or not? Evidence can be given as to *truth* or *falsehood*; as to the obedience or disobedience of any law; as to the performance or breach of any well known moral duty; as to any thing, in short, that is clearly defined and settled. About what is *fair* who can say that any thing has been settled? Where is the standard whereby we are to judge of *fairness?* It is evident that there can be no such standard, and that the point must always turn upon mere opinion. What would this question of fairness come under, then, the *law* or the *fact* of the case? Who would settle the point, the judge or the jury? "*One of the jury*" upon this trial, appeared to have a great desire to shew himself learned in the law; but, it will hardly be contended, that juries, or that courts of justice, can be, or ought to be, made into supervisors of the *taste* of the press. A tyrannical judge in America added the quality "*decent*," as essential to publications to be tolerated. Who was to be the judge of the decency? There is a maxim, which says, "miserable are those "who are subjected to laws of *uncertain* "*operation*." Indeed, where the operation is not uniform, and where the principle is not clearly laid down and well known, it is an abuse of words to call the thing *law*, which always implies something whereby a man's duties or rights are defined. About this reservation, however, I think we need not be very uneasy, as the result of the trial, together with the opinions of your lordship, decidedly in favour of that result, enables us to proceed to the length of imputing to a man (no, not a man, *an author*) all sorts of folly; to exhibit him as a fool, a lunatic and a vagabond in point of property; and, lest our pages of letter-press should fail, to call in the distorting aid of the pencil to effect our purpose. This has been deemed *fair* criticism; and, therefore, it will, I imagine, be very difficult for us to make use of any, that can, without departing from the principles, upon which this case was decided, be deemed *unfair*.

But, the person ridiculed must, it would

seem from this report of your lordship's language, be not only an author of a written and published work, but, he must also *embody* himself in the work. What is meant by this embodying work I do not very clearly perceive. In other places it is said, that he is to be ridiculed no farther than he appears *in connection* with his work; and that, unconnected with his work, he is to be treated with all the tenderness which the law takes care to provide for the individual. But, my lord, who is to settle these nice points of connection and incorporation? How am I to know what is meant by this connecting and embodying? Suppose I were to take up a book written for the purpose of persuading me, that I am very wrong indeed in objecting to the ministry of the day; suppose this work has for its author some man who lives upon the taxes and whose wife lives upon them too; suppose the whole family to be chin-deep in sinecures and reversions; must I not speak of these; must I not expose the author's motives for his work; must I not, if my pen fail me, call in the aid of the pencil to exhibit this author in the act of picking John Bull's pocket with one hand, while he holds up, in the shape of a pair of winkers, his book in the other hand; must I not hang a label, marked *plunder*, out of his pocket; and must I not put his wife and children in the character of sturdy paupers, jeering those from whom they receive their daily bread? Assuredly I ought to do all this; and yet this author might so write his book as not to *embody* himself with it, in any shape whatever; and I might be told, perhaps, that his places and pensions had nothing at all to do with the merits or demerits of the ministry; that I had gone into a subject foreign to the book; and that, therefore, I ought to be punished as a libeller; whereas it would appear to me quite necessary to go into these matters in order to shew the *motive* of the author, and that for the purpose of preventing his book from doing public mischief.——It is not at all necessary for an author to *connect* himself with his book. He need not write in the form of such connection. He may, like the newspaper people and the reviewers, write in the style royal, and call himself WE; or, he may unite in the impersonal altogether. There are very few instances, in which an author can be said to embody himself in his work. It can, indeed, only be when he relates his own adventures, or gives an account of transactions, in which he has personally borne a part. And why, my lord; *why*, I beg leave to ask, should this particular description of authors be exposed to ridicule more than any other description? *Why* is it so very necessary to expose their folly and destroy their reputation? Of what particular harm is their success? In what way is it entitled to any extraordinary quantity of legal reprobation? Why should these fools be outlawed any more than the rest? Your lordship may see a very sufficient reason for the distinction; but, I confess that I can see no reason at all for it. Every man, who writes and publishes, challenges the criticisms of the world. The very act of writing the book embodies him with it. It is is his act. It belongs to him. It is the picture of his mind. It is a part of himself. The critic has a right to take the man and the book together, and to criticise them, and, if he pleases, ridicule, or endeavour to ridicule them both. If he has not this right, he has no right at all; he is never safe; and he had better lay aside his pen. If he himself be foolish in his criticism; if he be unfair, or malignant, why, the world, who will soon perceive it, will not fail to punish him in the only suitable manner, without any of the aid of judges and juries.—— There was a still further qualification, too; not only must the man have published his acts, or his work; but, he must have embodied himself with the work, and the work must *be ridiculous*. All this must be seen to exist before the ridicule could be justified. But, here again we have our old difficulty; *who* is to determine, whether the work be ridiculous or not? The jury are to judge of the alledged offence under the direction of the judge; but, it will not be pretended that this is a tribunal, wherein to try the merits or demerits of a literary work. What, then, becomes of this qualification? The critic will say, that the work is ridiculous; the author will say that it is not; even the public may be divided upon the point; and who in all the world is to settle it? Your lordship says, and very truly, that it is of great public utility to expose ridiculous works, and to destroy the reputation of their authors; but, if I should be engaged in an act of great public utility of this sort, how should I fare if your lordship and the jury should happen to think that *not ridiculous*, which I took for ridiculous? How am I to know that you will be of my opinion? And must I not, then, be continually in a state of uncertainty; and must not a press, thus shackled, be infinitely worse than no press at all? The fool or rogue runs no risk, either in his writings or publishings; while his critic is never safe for a moment. Sir John Carr saw this, and, therefore, he

thought to terrify his critic into silence. Your lordship has now set your face against this species of action; and, it was high time; for if it had succeeded, even the most stupid part of the people would have laughed at the talk of "*the liberty of the press.*" That talk would not have deceived any creature capable of counting its fingers.

The most important restriction, however, relates to the quality, or, rather, the *profession*, of the person censured, or ridiculed. Sir John Carr had evidently conceived, that the *feelings* of an *author* were no more to be hurt with impunity than the feelings of any other sort of man; and, as he had heard, that it was a libel to hurt the feelings of any person, by the means of the press, he expected, of course, to hear your lordship reprobate the conduct of his critics. He could not have anticipated what took place. It was quite just and reasonable, to be sure, that he should be told, that his work was liable to ridicule: that the ridicule naturally grew out of the demonstrations of his own want of talent; that if it were forbidden to ridicule such a work and such an author, great public mischief would therefrom arise, and that the liberty of the press would be a farce too contemptible to be borne. All this was very right; but, he had heard it laid down, that *the line of interdiction began when the feelings of any person were hurt.* No matter *who* or *what* he was. No matter what his actions or his character. He had heard of no restrictions, reservations, or qualifications; he had been told; he had heard it laid down as a maxim of law; he had heard it so laid down in a charge to a jury; he had seen a verdict of *guilty* given upon the principle; and that principle, without any qualification, was, that *no person* had a right to use the press for the purpose of turning into ridicule either the *talents* or the *person* of *any one*; and that, where ever a publication wounded the feelings of *any person*, there the line of interdiction began. He had heard of no exception with respect to authors and their works. He had proof that both his talents and his person had been turned into ridicule. He had proof, that, in a picture as well as in words, he had been exhibited to the public as a man of most despicable talents, as a frothy fool, as a lunatic at large, as a sort of literary vagabond. He had clear proof of all this; he had proof besides, that he had, from this attack, sustained a special damage to a considerable amount; and it was quite impossible for any one not to be convinced, that his feelings had, by the alledged libel, been severely wounded. Well, then, as he had heard it laid down as a maxim of law and justice, that it was a crime to ridicule the talents or wound the feelings of any person, why should not he bring his action *as well as another?*

Why, for the reasons stated by your lordship. Most excellent reasons you have given us, why his action should not be maintainable; but none at all, that I can discover, why the plaints of persons, *not authors*, should be any more attended to than his. None, that I can discover, why the act of book-writing should be more exposed to criticism than any other of the acts of men; none; no, none at all, why authors should not have feelings as well as other people; nor any reason whatever why the talents of others should not be exposed to ridicule as well as the talents of authors. It is necessary, as your lordship well observed, to expose and destroy a silly or wicked book, and the reputation of its author along with it, because such books do great public mischief, and because, if not put down by exposure, they would continue to do mischief to the end of time. But, my lord, there are *good* books as well as bad ones; there are authors whose works do good instead of mischief; and, therefore, I can see no reason whatever why the act of book-writing should be more exposed to public censure and ridicule than any other act of man.

Your lordship was so good as to signify that *the liberty of the press* was something very valuable to this nation. Not in direct terms, indeed, but by implication your lordship certainly did say this. Now, may I take the liberty of asking your lordship *in what way* you think it can operate to the advantage of this nation? In the way of *praise*; in bedawbing all the rich rogues and fools of the time with praise as well as all the wise and virtuous men? Hardly this. In confining its praises to the wise and the good? This would be very laudable, and might be of some little use; but, then, the word *liberty* would be without a meaning; for the devil is in it if we need ask for leave to praise any one, particularly if he be in a public capacity, or in any capacity, which must make him desirous of possessing the good opinion of the world. If your lordship means, as I think you must, that the *liberty* of the press is valuable, as the means of detecting and exposing vice and folly; then, give me leave to say, that it cannot, consistently, I will not say with justice and reason. . . . . but it cannot consistently with *common sense*, with bare common sense, be restricted to authors and their writings; for what would the thing

then amonut to but this: a *liberty* possessed by the press of combating *its own* vices and follies, and of doing nothing more? Such a press would be totally unworthy of praise, or of protection of any sort. To speak of such "*liberty*" as a valuable thing; to make it a matter of boast; to hold it up as one of the means of preventing the people from being enslaved, would be an instance of absurdity surpassing any of those pointed at in the works of sir John Carr. Why, my lord, this is a sort of liberty, that the Emperor Napoleon grants to his press; and, why should he not? He would be a fool indeed if he cared what authors said of *one another* and of *one another's books*. It may be an amusement to him to witness their quarrels; and, in this way, the press may be, with the public, as useful as a puppet-shew, or any thing else that serves to produce a momentary oblivion of their cares and their sufferings. All that Napoleon forbids his press to do, is to meddle with him, his government, his army, his navy, or any of his family. That is all. The press may *praise* all these indeed; it has full *liberty* to do that; but, it must neither *censure* nor *ridicule* any one of them; it has no liberty to do that; and it is honestly told so; there is no sham in the case; no delusion; no talk about liberty of the press; those who write and publish are plainly told, that if they meddle with these matters, they shall be punished; and, accordingly, they do not meddle with them, nor are they guilty of the base hypocricy to *pretend* that they have a free press.

It must, I think, my lord, be quite evident, that, if censure and ridicule, if exposure of vice and folly, if depreciating talents or character, were to be allowed only in cases where the party assailed was the author of a book, or a public writer of some description, the *liberty* of the press could, at the utmost, effect no other good object than that of counteracting the vices and follies of the press itself; it could not possibly produce any balance in favour of the press, which, in that case, could, as far as related to *freedom*, be of no possible use. Suppose, for instance, that I write a book, containing principles subversive of the constitution, and that some critic exposes both me and my book to such contempt, that the book is at once destroyed and my reputation is ruined. I am rightly served, and the critic is, it now would appear, not exposed to the fangs of the law; but, it would be quite silly, upon an occasion like this, to boast of the liberty of the press as a public good; for, supposing the critic to have completely succeeded, all that he has done is to place matters where they were before, and *where they would have remained if no press at all had existed.* Your lordship very judiciously cited the instance of Mr. Locke and sir Robert Filmer, and observed that the former did great good in writing down the latter; though, between you and I, my lord, I much question, whether, if Mr. Locke lived in the present day, he would be much of a favourite. But, what mighty thing did Mr. Locke do here? He answered sir Robert Filmer; he put him down. I doubt the fact; for Filmer's principles are much more in vogue than those of Mr. Locke. But, admit the fact, all that Mr. Locke did, with the aid of the press, was to prevent sir Robert Filmer from doing *harm* with the press. Between them the press, at the very best, could do *no good*, and it might do some harm. Who would not think a man foolish, aye, "the "greatest fool that ever walked the earth without a leader," who should keep a fox in his poultry-yard, and a dog to watch the fox; and who should boast of the valuable services rendered him by the dog? "Why, "you stupid ass," his neighbour would say to him, "for what do you keep either dog "or fox; why not hang them both up at "once; and give to some really useful ani-"mal the food by which they are sustain-"ed?"

I shall be told, perhaps, that the press is of great public utility independent of this sort of use of it. That it communicates a great deal of knowledge to the public at large, which would, were it not for the press, be confined to the possession of comparatively a very few persons. This may be true; but, this is not our subject, my lord. We are talking about the *liberty* of the press. It is not the right to write and to print and to publish, upon which I am taking the liberty to address your lordship, but *the right to censure and to ridicule*, by the mighty means of writing and printing and publishing. There are a multitude of books, as connected with which the *liberty* of the press has no meaning. In lifting up my eyes, the first books I see before me, are Marshall's Gardening, Pontey's Pruner, Bonnycastle's Alegebra, Code Diplomatique, Vauban's Fortification, and Daniel's Rural Sports. Why, my lord, the *liberty* of the press has no more to do with books like these than it has to do with the making of shoes or the blacking of shoes; and, as I have, I think, pretty clearly shewn, that it is to prove oneself void of even common sense to set a value upon the liberty of the press, if that liberty is to extend no further

than the censuring or ridiculing of productions of the press itself, there must, it appears to me, be another meaning attached to this word *liberty*, as connected with the press. By the word *liberty* we always conceive a something, to which there are some persons who have a dislike. When we talk of securing our liberties, we should talk downright nonsense, if our hearers did not suppose, that there were some persons, somewhere or other, who were likely to be enemies to those liberties. The two ideas are inseparable. You cannot talk of liberty, without supposing the fear, nearer or more distant, of slavery. What other sense is there in the word liberty? Why talk about any such thing? In short, political liberty has these two meanings: *freedom from oppression*; and, *the legal right of doing certain things which may be displeasing and even injurious to others.* The great end is freedom from oppression; but, to secure this, it is indispensably necessary, that men should be legally protected in doing certain things that may hurt the feelings and injure the fortunes of other men. This implies a natural and a necessary opposition of interests as well as of feelings. One part of the community are necessarily opposed to another part; and, are we to be told, that if one part *feel wounded* at the censure or the gibes of the other, that the latter is to be liable to legal punishment? All our notions about the liberty of the press, the whole history of it, tell us, that it means a legal right, in any man, freely to examine, in print, into the character, talents, and conduct of any other man (especially if that other be in a public situation), and, if he please, to censure or ridicule such character, talents, or conduct. It has *now* been decided, that this is the meaning, as far as relates to authors and their works; but, I have, I think, proved, that if this be all, the liberty of the press could not possibly be of any public advantage, and that to boast of it would be to hold ourselves up to the scorn and contempt of the world. The press is daily boasted of as the great instrument in the cause of political and religious freedom. But, my lord, I am in a fever to know *how it can possibly be so*, if writers are to be punished every time they *hurt the feelings* of another man? To the press is ascribed the reformation of the church in this kingdom. Now, my lord, do you not think, that the authors of that day *hurt the feelings* of the monks and friars, whose tricks they exposed to the deluded people? Well, then, if those authors had been legally punished the moment they began their exposures, do you think that the reformation would ever have taken place? Nay, is it not impossible that it should have taken place, through the means of the press, or, that the press should have at all contributed towards that great and memorable event? "Aye, aye, very true," some precious peculating, corrupting, double-distilled knave may tell me, "but there is *now* "no reformation wanted; there is now no "delusion, no trick, no hypocrisy, no "humbug, going on, either in religion or "politics." Well then, if this be the case, of what can anybody be afraid? If there be nothing to expose, there can be no exposure. If all our ministers are wise and able, all our senators incorrupt, all our generals brave, all our priests pious, and all our princes exemplary in their conduct, how is it possible for any man to hurt their feelings by remarking upon their talents, their character, or their conduct? What a thing it would be, by lord, for a government to say to the people: "You have a right to free-"dom; to secure your freedom it is essen-"tial that you should enjoy liberty of the "press; by the liberty of the press you "will check, in time, every encroachment "on your freedom; but, *our feelings* must "necessarily be hurt by a disclosure of the "fact that we are making such encroach-"ments and, by the lord! if any of you "hurt the feelings of any one of us, you "shall be thrown into jail, and, perhaps, "have your ears cropped off into the bar-"gain?" What a thing would it be for a government to say this to a people? And what a people must that be, to whom a government would venture to say it? Is there a man in the whole nation who believes, that the emperor Napoleon would dare to say such a thing to any of those nations, whom we, with perfect truth, call his slaves? No; even that master in the arts of tyranny would not, at the head of his army, tell the most crouching of his slaves, that they had *liberty* to do that, for which, if they did it, he would chop off their ears and make them end their days in prison. This is a pitch, my lord, at which no openly avowed despotism ever yet arrived.

In certain observations, which, upon this subject, I offered to my readers at page 271 of this volume, I stated, that, as to *the injury* which is done to any one by exposing him to ridicule, it ought to be considered as no objection to the ridicule; because, the injury to him might be *a great advantage to the public.* I was much pleased to see this stated by your lordship, who described it, in the case in question, as a damage which

the law did not regard as an injury. You said, that it was a damage which the exposed author ought to sustain; that the critic had taken from him gains and reputation to which he was never entitled; and that, though it was a damage to him, it was, as in the case of Sir Robert Filmer, a great advantage to the public. Your lordship did, indeed, clog this excellent doctrine with the words *author* and *literary* work; and, in the charge, you observed to the jury that neither they nor *you* had appeared before the world, in the character of an author, or at least, that you never had; which observation came immediately after you had been laying down the right to censure and ridicule *authors*. But, my lord, we shall find, I think, from the *reason*, upon which this right was founded by your lordship, that the right must apply to all other persons as well as to authors. The doctrine was this: men have a right to expose and to ridicule published works and the authors thereof as far as connected with such works; they have a right to proceed so far as totally to destroy the reputation and the means of livelihood of such persons; and, instead of being legally punished for it, are entitled to commendation. Now for the reason why: *because, if this were not the case, bad morals and bad principles of government and other bad things might be taught, and might be established and perpetuated, to the great and lasting injury of the public.*. Well, then, my lord, censure and ridicule, through the means of the press, is here justified, because they are useful *in preventing injury to the public.* That is the reason why they are to be tolerated, and even highly commended; and, it appears to me utterly impossible for the most ingenious man alive to assign a reason why the press should not be employed to censure and ridicule those acts of other persons, as well as of authors, which tend to produce an injury to the public. It is but a very small part, comparatively, of public mischief that proceeds from the press; the far greater part of it comes from those who have the miserable press under their controul; and shall not they be exposed as well as a poor silly writer of travels? My lord Mountnorris, who very wisely read the Knight's book previous to a purchase of it, was, by the "Pocket Book," induced not to complete the purchase. Now, my lord, if I should hear that it was intended to make a commander of some stupid fellow who was also a coward, would it not be right in me to expose his stupidity and his cowardice, and thereby prevent, if I could, his being made a commander, and his bringing injury upon the public? Suppose me to see a man appointed to any office, who, in my opinion, is totally unfit for it, and who, of course, must produce an injury to the public by remaining in it; should I not, upon the principle laid down by your lordship, have a right to censure and ridicule him, to endeavour to bring others over to my opinion, and thus to put him out of his office, and to destroy that false reputation, by the means of which he obtained it? Yes: I am sure your lordship will, and must, say yes; for you must perceive, that the higher the office, the more necessary it is that it should be faithfully and ably served. What was the work of this wretched knight? What was it to the public whether his trash continued to be circulated or not? Mr. Garrow, who seems to have been almost in as piteous a plight as his client, told the jury that Sir John had not meddled with politics, or parties. I'll be sworn for the poor soul, that he had no earthly object in view other than that of gaining a comfortable livelihood; and, his works could not have made a very great noise in the world, as even the bare name of them or their author never reached me, until I read the account of the trial. Now, my lord, of what importance was this work to the public? Not a millionth part of so great importance as one single word in any one of the dispatches or proclamations or speeches of any one of the ministers; and, if we are not *freely* (that is to say without being *liable* to be *tried* for it) to censure and ridicule them, when, in our opinion, they merit it, of what service is it to the public that men of sense and wit are allowed to fall upon a poor defenceless thing like Sir John Carr? Would it not be a sad mockery to call that *liberty of the press?* Liberty of the press means liberty of opposing, as far as the press will go, the views of those who are in power. It has been called "an arm "in the hands of the people," it has been called "the guardian of freedom;". but, how in all the world is it to guard freedom, if it be allowed to touch nothing but acts like those of poor Carr?

I trust, my lord, that the consequence of this trial will be, a right way of thinking with regard to the use of the press. Your lordship has got through a great part of the difficulty, and I am confident, that another decision or two of this sort, will make the rogues and fools shy of courts of law. Their pretensions were at war with nature. All honest men hate rogues, and all men of sense laugh at fools. It always has been so; and it ought always to be so. It is the only means of preventing roguery and folly from becoming predominant. The practice of

the law of libels has given rise to a sickly taste. It is impossible to give a true description of a fool or knave without exciting a cry of *illiberality*. Every thing, not conveyed in dark hints, or the meaning of which is not spread out till it be lost in a multitude of words, is called *personal*. The shop-keeper, the half-sexed thing that stands behind the counter, echoes the charge preferred by the painted coxcombs and strumpets that lounge about the streets; nay, the very chambermaids, who, not unfrequently represent their mistresses in more characters than one, mince up their mouths, and exclaim against *personal reflections*. Good lord! What shall we come to at last! Of all the enemies of "personal reflections," however, I know of none so zealous, as your old fat steady fellows in and about town, who, after having spent three-fourths of a life in back-biting, fraud, and money-getting, are cajoled into the snares of some pennyless syren, with whom they retire to finish their days under the torments of jealousy. These grave gentry, who have nothing to do but render all the world as cursed as themselves, are generally great readers of newspapers and great babblers about *law*, to assist in the administration of which they have a constant desire. Whoever calls fool, knave, or cuckold, they take for an enemy; they make common cause against him; for, upon their devoted foreheads the next blow may fall. Your lordship said truly, that it was good policy to resist this species of action. It was indeed; for, if Carr had succeeded, I should not have been at all surprized to see actions brought, bills of indictment preferred, and informations laid, for libels upon cats and dogs.

With great gratitude towards your lordship for the promulgation of your doctrine of the Liberty of the Press, as applied to authors, and with a sincere wish that you may live to apply it to all persons and all cases whatsoever,

I am your lordship's most humble and most obedient servant,

WM. COBBETT.

Botley, 15 *September*, 1808.

CHEAP EDITION OF THE TRIAL, CARR *versus* HOOD AND SHARPE.

*** In my last number, I expressed a hope, that the Booksellers, who are so deeply interested in the event of the above Trial, would form a Fund for the circulation of it all over the kingdom. I have now the satisfaction of informing my readers, that the hint has been taken, and that a Cheap Edition of *the whole* Trial is now printing off, to sell for *three pence* each, or *eighteen shillings and nine pence per hundred*, to those who purchase for distribution. Thus, if the business is properly managed, as I am confident it will be, not fewer than Fifty Thousand Copies will be circulated throughout the country.

ABRIDGEMENT OF THE TRIAL, IN AN ACTION, IN WHICH SIR JOHN CARR, KNT. WAS PLAINTIFF, AND MESSRS. HOOD AND SHARPE, DEFENDANTS: DAMAGES LAID AT £2,000. THE TRIAL TOOK PLACE IN GUILDHALL, ON THE 25TH OF JULY, 1808, BEFORE LORD ELLENBOROUGH AND A SPECIAL JURY: TAKEN DOWN IN SHORT HAND BY THOMAS JENKINS.

This abridgement shall contain all that is material. The reader will find in it every principal point touched upon by Mr. Garrow, the leading counsel for the plaintiff; the whole of sir Richard Phillips's evidence; and the whole of what was said by the Judge, and by the Attorney General, who was the leading counsel for the defendants, with the sole exception of what the latter said by way of return for the trade-like compliments paid him by Mr. Garrow, and which interchange of compliments I omit for the sake of decency.

The case, as stated by Mr. Garrow, was this. That sir John Carr (whom hereafter I shall call *Carr*, not perceiving that he has any right to claim the cramming up of my pages with his lengthened name), was the author of several works, which he had sold for considerable sums of money; that he was about to publish a new work of the nature of his former works, which had hitherto been well received by the public; that, at this juncture the defendants published the libel in question, called "*My Pocket Book*;" that the evident object of this work was utterly to destroy Carr as an author, in which object it must succeed unless censured by the verdict of the jury; that the "Pocket-Book," besides ridicule in words, contained several caricatures, exhibiting Carr in the most ludicrous light; that he was here represented as a stupid writer, a gleaner of insipid stuff, a fool, a lunatic, and as so nearly like a mere vagabond, as to carry about his wardrobe in a pocket handkerchief; that the defendants had said, that they had a rod in pickle for Carr, and that they would do for him; that the effect of all this had been a clearly proved damage to Carr; that sir Richard Phillips had, merely from the effect of this attack, been deterred from purchasing the intended new work, for which, otherwise, he would have given £700; and that there must necessarily have arisen to the plaintiff other damages, of which it would be impossible to estimate the amount.

The evidence first given was to prove the publication of the "Pocket Book," and then evidence was produced of a *continuation*

of the publication after notice of action, which evidence in aggravation having been objected to by the Attorney General, the following conversation took place between the Judge and Mr. Garrow.

Mr. Garrow.—The ground on which I offer it, is this: I say, that these defendants meant to publish to the world, a work, the object of which is, to render sir John Carr ridiculous. I say, this publication of these defendants, is false and scandalous. Can it be doubted that I may prove, that the defendants have continued that publication, to shew the extent of the injury, and the spirit of the offending party?

Lord Ellenborough.—But we must allow a latitude to the free discussion of the merits and demerits of authors, and their works; otherwise, we may *talk* indeed of the liberty of the press, but there will be in reality an *end* of it.

Mr. Garrow.—Suppose I had a wen on my neck, or had any other deformity. Am I to be held up to ridicule, to gratify the malice of an individual, who chooses to be my enemy, and is that individual to continue to expose me, after notice given to him of his misconduct? That notice is given to him by the service of a process, which is the commencement of the action.

Mr. Attorney General.—The answer to all this is, that you can bring another action, if you are damnified by any subsequent publication.

Lord Ellenborough.—We must really not cramp observations upon authors and their works. They should be liable to exposure; to criticism, and even to ridicule, if their works be ridiculous; otherwise, the first who writes a book upon a subject will maintain a monopoly of sentiment and opinion upon it. You must never shew the absurdity of it, although it be absurd, that is, you can never do it with effect. This would tend to the perpetuity of error. A bad book might appear, it would propagate error, and so we should go on to the end of time. How any body could conceive that an action is maintainable, for publishing a work, exposing another work to ridicule, is to me surprising. Reflection upon personal character is another thing.

Mr. Garrow.—I am not contending that the defendants may not endeavour to shew, that the plaintiff's book is a ridiculous one; but, they must not endeavour to destroy the plaintiff altogether, as an author.

Lord Ellenborough.—I do not know that. Suppose a person publishes a book containing sentiments that are injurious to public morals; of infinite mischief to the public taste; *or bad maxims of government*; or any thing else that *ought to be decried*; are we not to be at liberty to expose that work; aye, and expose the *author of it too*, as far as he is *connected with that work*, and that, in the most pointed language of wit, humour, or ridicule; the more pointed and forcible, the better? He who does so, if the work be ridiculous, or a bad one, confers a favour on, by producing a benefit to, the public. That it destroys the reputation of an author, and puts an end to the circulation of his works, is nothing, if his works be worthless. Mr. Locke published an answer to sir Robert Filmer; would any body give twopence, after that, for the works of sir Robert Filmer? What then? was Mr. Locke to be made the subject of an action, for destroying the reputation of sir Robert Filmer? Not at all. *It was a reputation, that ought to have been destroyed*, and was destroyed; for which the world has been greatly indebted to Mr. Locke. I really do not know where we are going to. To talk of the liberty of the press, if one man may not write freely, on *the work of another*, lest he should destroy the reputation of that other, would be idle. Shew me an attack, on the *moral* character of this plaintiff, or *any attack on his character, unconnected with his books*, and I shall be as ready as any man, who ever sat here, to protect him in that character, but I cannot hear of malice, on account of turning his works into ridicule.

Mr. Garrow.—They prevent the sale of all the plaintiff's works, by this immoderate ridicule of him, by wholesale, as an author.

Lord Ellenborough.—They do so. They depreciate his character as an author, conceiving they have a right to do so.

Mr. Garrow.—Then let them shew that they have done it *fairly*.

Lord Ellenborough.—No, *they need not*. YOU must shew that they have done it unfairly.

Mr. Garrow.—So I do, my Lord, by the exhibition of this frontispiece; which shews, that this book is *not a fair criticism*, but a malignant slander.

Lord Ellenborough—Go on with your case.

Evidence was then given to prove that Carr was the author of other works. Lord Valentia was called to prove, that the "Pocket Book" was intended, in his opinion, to expose Carr's Irish Tour to ridicule. *Lord Mountnorris*, under whose name a letter has been published, stating that he "attended *solely* and conscientiously

on *behalf* of sir John Carr," said, upon his oath, that "he had read the *Pocket Book* "and also the *Stranger in Ireland*; that he "had compared them both chapter and "chapter; that he considered the former "as intended to ridicule the latter; that the "caricatures are so strongly drawn, that it "was impossible to mistake their application "to sir John Carr; and, finally, that he "should have bought the Stranger in Ire-"land, but would not after reading the "Pocket Book, the latter having depreciated the former so much in his opinion." In a cross-examination, which appears to have been gone into by the Attorney General for the purpose of obtaining a repetition of this evidence so complimentary as well as useful to his clients, Lord Mountnorris said, in terms, if possible, still more explicit, that, after a most attentive perusal of both the work and the criticism, he was induced by the impression produced on his mind by the latter not to purchase the former, though he was before disposed to make that purchase.

Sir RICHARD PHILLIPS's Examination might have been very short; but, owing to his own indiscretion, it was rendered very long; and as he appears to have been considered as the *real cause* of the action against Messrs. Hood and Sharpe, the whole of this Examination shall be given. He was examined by Mr. Dampier, and cross-examined by the Attorney General.

Q. Did you, sir Richard Phillips, purchase of sir John Carr, a book called, "The Northern Summer; or, a Tour round the Baltic?"—*A.* I did.

Q. And also a "Tour through Ireland, and another along the Rhine?" —*A.* I did.

Q. They are all in quarto, I believe?—*A* They are.

Q. What was the purchase money for each?—*A.* The price of the first was fixed by Mr. Hayley, who introduced sir John Carr to me.

Q. Will you state the sums which you paid for these books?—*A.* Four hundred pounds for "The Northern Summer; or, Tour round the Baltic," and in consequence of a small increase in the quantity, I added another 100l. of my own accord.

Q. So that he had 500l. for this book?—*A.* Yes, he had. Mr. Hayley, of whom I have a high opinion, settled the price of that book.

Q. Then as to "The Tour through Ireland." What did you pay for that?—*A.* I gave sir John Carr 600l. for that, and a conditional 100l. more I think, on the second edition; or, on the sale of a certain number—but previous to the whole of that number being sold—(considering that it would be sold), I gave sir John Carr 100l. more. So that he had 700l. for the "Tour through Ireland."

Q. What did you give him for the other book, which you purchased of him, "The Tour through Holland?"—*A.* The same price. It is a sort of rule with booksellers, (at least it is so with me)—that when we are satisfied with the work of an author, we give him, for similar works, the same as we did before, without any treaty.

Q. So that you gave sir John Carr 600l for "The Stranger in Ireland, and, if it went through a second edition, you were to give him 100l. more; which you did?"—*A.* Yes.

Q. Now, sir, have you seen a work of his called, "A Tour in Scotland?"—*A.* I have seen it in a manuscript; sir John Carr has put it into my hands.

Q. It is a work prepared now for publication?—*A.* It is.

Q. Now sir, when you saw that, had you seen the present book, called "My Pocket Book?"—*A.* Yes, I had.

Q. Did you at any time, see one of these defendants, Mr. HOOD?—*A.* I frequently saw him.

Q. So as to have a conversation with him, concerning this work—I mean the book, called "My Pocket Book?" *A.* I have met Mr. Hood, and he has spoken to me particularly on the subject of the book called "My Pocket Book."

Q. Will you state to us, what he said to you, on that subject?—*A.* He began by asking me "how sir John Carr did?" I said he was very well. He went on to ask me, have you seen or read, "My Pocket Book?" I answered him by saying, "I never read any *scurrility* of that kind."

Q. Did he make any answer to that?—*A.* He did. He said, "the Lord have mercy upon sir John Carr: we have a rod in pickle for him: we will do for him:" or, "we will do his business;" or words to that effect. I believe the words were, "the Lord have mercy upon him, poor sir John," or some phrase of that sort, was thrown in—"we will do his business," or, "will do for him."

Q. Do you know, whether this book, called "My Pocket Book," has been extensively circulated?—*A.* I have reason to believe it has been very actively and industriously circulated. I have seen it in the windows of booksellers, attracting some attention in consequence of a ridiculous frontispiece; and booksellers are some of them apt to expose works of this nature, on

account of the oddity of appearance in them.

Q. Has it been circulated, in what they call "the trade circulation, and sale?"—*A.* I do not attend trade sales myself, and I cannot speak to that, but I can speak to this—that the whole edition was offered to the trade, at the trade price, and, that a thousand copies were so to be disposed of; as appears by this catalogue.

Attorney General.—You must say nothing to us about that catalogue, for it is not evidence.

Lord Ellenborough.—Certainly not; you must prove that publication as well as every other publication by the actual sale. The catalogue is nothing.

Mr. Dampier.—*Q.* Was this work, called "The Tour through Scotland," or whatever other title it might have—offered to you for sale?—*A.* Yes it was.

Q. Did you buy it, or did you decline it?—*A.* The impression which was made on my mind, in consequence of the publication of the book, called "My Pocket Book;" and the activity with which it was circulated, (as I perceived from the manner in which it was advertised) together with the conversation I had with Mr. Hood, was such, that I certainly declined to buy it.

Q. What was the reason of your declining to buy it?—*A.* I certainly declined to buy it, in consequence of the publication of this book, called "My Pocket Book."

Q. Had you, before you were aware of this publication, made any offer of any sum of money, for that work of sir John Carr's which you saw in manuscript?—*A.* Not at that time.

Q. Did you at any time?—*A.* Sir John Carr, subsequent to this, proposed and offered it to me, for 400l. together with the contingent advantage as before, but I declined it. If this libel had not been published, I should have given sir John Carr the same as he had for the former works; for it is a custom of our trade, unless something happens to make us dissatisfied with the author's work, to give him the same sum, for every similar work, as he had for the preceding one—and had I purchased this work, now in manuscript, of sir John Carr, I should certainly have given him 600l. for it.

Cross examined.—*Q.* You state yourself not to be a reader of *scurrility?*—*A.* I certainly do; I wish to read nothing of that kind

Q. As you state yourself not to be a reader of any thing of that kind, I take it for granted, you never publish any thing of that sort?—*A.* I mean, that I never read *anonymous scurrility.* If I see the name of a respectable author on a title-page, it becomes another thing.

Attorney General.—Do not overpower me, sir Richard Phillips, by a multitude of words, or by answering my questions before I put them to you; especially by references to anonymous writings.

Q. I take it for granted you never read the Edinburgh Review?—*A.* I have seen the Edinburgh Review—but I pay no respect whatever to that, or to any other work of *anonymous* criticism.

Q. I take it for granted, then, sir Richard, that criticism owes its effect to the circumstance of a knowledge of who the author is?—*A.* It certainly ought to do so; to my mind criticisms should always bear the names of the authors. I do not generally consider that *fair* criticism, which is *anonymous.*

Q. When did you publish these works of sir John Carr?—*A.* I published the first work, "The Northern Summer," I suppose in 1803 or 4; "The Stranger in Ireland," in 1806; and the "Tour in Ireland," in 1807; "The Tour in Scotland," I saw in 1808—the present year.

Q. As you do not read criticism, except you know who the critic, or the author is, I take it for granted, you do not attend to the Edinburgh Review. If sir John Carr has been praised, or censured in the Edinburgh Review, I take it for granted you do not know it?—*A.* I never saw it.

Mr. Garrow.—I object to the introduction of the Edinburgh Review. It is no evidence.

Lord Ellenborough.—I understand the Attorney-General's question to be to this effect—to take the Edinburgh Review as a mere illustration of the present subject.

Mr. Garrow.—If it be either directly complimentary to, or directly detracting from, the merit of sir John Carr as an author, the Edinburgh Review may be referred to, as evidence of the opinion of literary persons, as to the merit of sir John Carr, as an author; but, I submit to your Lordship, that otherwise, it is not evidence in this cause.

Lord Ellenborough. They are not taking any thing out of the Edinburgh Review, but the Attorney-General is cross-examining the witness, as to his acquaintance with that publication. I see nothing in the course of this examination, which calls upon me to stop it.

Attorney-General.—I ask sir Richard Phillips, whether he knows that this book had been reviewed by the Edinburgh Reviewers?—*A.* I do not know it; I do not read the Edinburgh Review.

Q. You do not know there is such a publica-

tion, perhaps, as the Edinburgh Review?—*A.* There is such a publication, certainly, but I do not recollect that I have read the Edinburgh Review at all, except some parts of the first volume. I thought some of it scurrilous, and I abhor scurrility.

Q. Now, as you think this publication, which is complained of, is scurrilous; as you abhor scurrility; and, as you know it to be anonymous; you do not soil your pure mind with the perusal of it—are there any reviews published by any persons which are not anonymous?—*A.* None that I recollect, at this moment, there was one sometime ago by Dr. Maty.

Q. But you do know there is such a publication as the Edinburgh Review?—*A.* I do.

Q. Do you know whether there is such a publication as the Annual Review?—*A.* I know there is such a publication.

Q. Is that anonymous?—*A.* That has a name.

Q. Now, as you do not read scurrilous anonymous writings, and as that is not anonymous, since it has a name, perhaps you do read the Annual Review?—*A.* Never, now; I have looked into former volumes of it, but I never read it now; it is a very ponderous publication, which I do not read, because I have not leisure.

Q. Have you had a large sale of sir John Carr's works?—*A.* A very respectable sale; a very considerable sale, of the first work. Of "the Tour in Ireland," and of "the Tour round the Baltic," I have sold, I think, very nearly 1500 copies.

Attorney-General.—I think, sir Richard, that your reprobation of anonymous criticism, cannot be too much commended—certainly, nothing should be published without a name—it is proper we should always know who to resort to, in case any thing be published which is not proper.

Q. Pray, sir Richard, was, there not a review called "The Oxford Review?"—*A.* Yes.

Q. Who published it?—*A.* It was printed by a person at Oxford.

Q. Very likely: but who published it in London?—*A.* I was the publisher in London.

Lord Ellenborough.—Here, I think I should caution you, sir Richard Phillips, for although I do not know what that publication contained, it may contain something for which you may be responsible, and which may lead you into difficulty; we are here treading upon tender ground; you are not bound to answer any thing which may tend to involve yourself in difficulty.

Sir Richard Phillips.—I thank your Lordship, but I shall certainly answer any question which the Attorney General chooses to ask me; I never printed a line, to my knowledge, which was calculated to hurt the feelings of any person living.

Lord Ellenborough.—It is my duty to caution you, sir Richard, and to tell you, that you are not bound to avow that you are the publisher of any work, which may contain any objectionable matter. You are entitled to a protection as a witness. You have laid yourself open already to many questions, which could not have been regularly asked of you, had you not chosen to avow yourself publisher of the work just alluded to.

Attorney General.—There was a work intitled "Public Characters," I believe?—*A.* There was.

Q And you published it, I believe?—*A.* I did.

Lord Ellenborough.—By the name of it, that is a work very likely to be extremely delicate; I caution you, once more, how you admit yourself to be the publisher of such works; you are not bound to admit any such matter. You appear to me to be admitting too much: I now give you notice, that I shall not caution you again. You have just admitted yourself to be the publisher of a book called "Public Characters," that, from the title of it, is likely to contain a great deal of very delicate matter.

Sir Richard Phillips.—I repeat again, my lord, that I have no disinclination to avow every thing that I ever published. I never published any work which I should be ashamed to avow in this place.

Attorney General.—On that ground, sir Richard, you will tell me, whether you published a book called "Public Characters of the French Revolution?"—*A.* I do not know of any book under that title. There was a book published in 1796, by myself, giving an account of the Founders of the French Republic—but it was a plain narrative of facts. It was a chronological account of public men, who had figured away in France, in the course of the revolution. It was published with a view of giving an account of such persons—there was no scurrility in it, certainly.

Attorney General.—No scurrility?—*A.* Certainly none, that I am aware of.

Mr. Garrow.—My lord, I rather think I ought to object to this, as an entirely wrong course of proceeding. One would think, from the course which my friend, the Attorney General, is now taking, that sir Richard Phillips was the plaintiff, instead of sir John Carr, for my learned friend seems, now, to be going into the public life and character of sir Richard Phillips. Sir John Carr, the

plaintiff upon this record, has nothing in common, nothing to do with sir Richard Phillips. They have no connection with each other, except that the one of them is the author, and the other the publisher, of a certain work, and then, my lord, how can any part of the life of sir Richard Phillips be evidence upon this issue between sir John Carr and these defendants?

Lord Ellenborough.—I do not know any thing of what is common, or what is not common, between this plaintiff and this witness; but, you see here, that sir Richard Phillips is the purchaser of this work; which is reviewed, or, if you please, censured, by the publication of the defendants. On the credit of the author of this work, of which sir Richard Phillips is the purchaser, depends the sale of the unsold part of that work, that is, of the edition now on hand; and this evidence, which he is now giving, that he is the proprietor, and consequently interested in the sale of this book, does not indeed go to his competency, but has a strong bearing on his credit, as a witness; and therefore the Attorney General should, I think, be allowed a larger scope than he should otherwise have, in his cross-examination. He has put to sir Richard Phillips many questions, to which sir Richard does not choose to demur, but to which he is certainly entitled to demur; he chooses to say that he is the publisher of many of these works, after the caution which he received from me. I wish he would be guided by other discretion than his own.

Mr. Garrow.—All this, my lord, is very well, as between the Attorney General and sir Richard Phillips; but, I submit, has nothing to do with the interest of my client.

Lord Ellenborough.—More or less I think it has—it has some reference to it certainly.

Attorney General.—*Q.* You have very properly uttered your sentiments in reprobation of all criticism which is anonymous—and you are the publisher of a book which gives us the character of those persons who figured in the French revolution. Pray what was the title of that book?—*A.* "Anecdotes of the Founders of the French Republic." It was published ten or twelve years ago; it was merely a matter-of-fact book; there was no scurrility in it whatever.

Q. Then it contains nothing but an account of facts within your own knowledge?—*A.* No, not so; I was not the author, but the publisher.

Attorney General.—And yet you say it is a mere narrative of facts; how can you say so, unless they are facts within your own knowledge?—*A.* It was a mere plain narrative of facts.

Lord Ellenborough.—How do you know them to be facts, if you were not present at the transanction?—*A.* It was certainly a narrative of what the author stated to me, and what I considered to be, facts. It was like every other book of grave biography and history.

Attorney General.—I think we have now got pretty well rid of the book, which you call the "Narrative of Facts."

Q. You were publisher of the Oxford Review?—*A.* Yes.

Q. You had nothing anonymous in it of course. Pray what were the names of the Oxford Reviewers? Were they known to the public?—*A.* They were not.

Q. You say you would not put your name to any thing that was anonymous, or a scurrilous publication. And you say that you published "Anecdotes of the Founders of the French Republic." And you say that you, yourself, published the Oxford Review, which was anonymous?—*A.* Yes; but they had not the character of the works which I have reprobated.

Attorney General.—To be sure; for you state that those were facts which you published in your "Anecdotes of the Founders of the French Revolution." And you state also, that you were not the author, but merely the publisher of that book. Pray was that book anonymous?—*A.* Yes, but not scurrilous.

Q. No, not scurrilous, God forbid?—*A.* Yes, God forbid. I thank you for the phrase.

Attorney General.—You say there is such a book as the Edinburgh Review, which is anonymous, and the Annual Review, which is not anonymous, which is published, I believe, by Mr. Aikin. Now, did it ever occur to you, when you were so much interested in the credit of sir John Carr's works, to enquire what Mr. Aikin, who is not an anonymous writers, says of his works?—*A.* In respect to periodical criticism of the anonymous kind, I ought to say that I have neither time, nor inclination, to look into it; nor do I often look into the Annual Review. It is a ponderous volume, and if I had inclination, I should not have time to read it.

Q. The Oxford Review, I take it for granted, you read, since you were the publisher of it?—*A.* Yes.

Q. I take it for granted, you had the honesty to subscribe your name to that opinion?—*A.* I shall never withhold my opinions. I published the Oxford Review

from a desire that there might be a fair review. My wishes and my feelings suggested to me, that there ought to be at least one honest review in the country. A number of gentlemen at Oxford, united their labours to write for it; and it was printed there, under their direction, and published by me in London. It had no scurrility in it whatever; but I found that a review which had no personal abuse, would not succeed, and therefore I discontinued its publication.

Q. That was your feeling, and such your reasoning?—*A.* Yes.

Lord Ellenborough —That is, you are now slandering all publishers but yourself. That is calling all other reviewers slanderers. I wish you would attend to the advice of others, whose prudence you seem to want.

Sir Richard Phillips.—My lord, I know a great deal about reviewers!

Attorney General. — *Q.* Perhaps you never, in advertising a book of your own, annexed to it any commendation of reviewers?—*A.* I have not done so for many years, I was in the habit of doing it formerly, but I have not done it for many years. I became ashamed of the practice, and I left it off.

Attorney General.—That is, you grew up into virtue, as they fell into vice.

Lord Ellenborough.—This is saying, that every publisher is dishonourable but yourself. Pray do not arrogate to yourself all the virtue in the publication of books. Are you aware of the effect of your testimony? You have, just this instant, told us, that you have been doing that of which you are ashamed. And that you discontinued it, because you were ashamed of it. Answer the questions plainly without these comments.

Sir Richard Phillips.—My lord, I have endeavoured to do so. I have said that I formerly published advertisements of books with the characters of reviewers annexed to them. It was the ordinary practice of the trade. I have said, that I discontinued it, and I did so. And I have said that I left it off because I was ashamed of it, and I am so.

Attorney General.—*Q.* At what time did you change your system. Will you swear, that within these last six years, you have not published a book annexing to its advertisement, the commendation of reviewers? —*A.* Yes, I have no doubt I have. It may have happened within these two or three years, perhaps, but this has arisen from accident. We keep our old advertisements standing in the form in which we have been used to send them to the newspapers, for five or six years together. So that an advertisement may latterly have gone into a newspaper with the same paragraph in it, of the commendation of the reviewer, a long time after I had determined to discontinue that practice.

Q. You know of the Annual Review, and there is the Monthly Review?—*A.* Yes.

Q. And there is the Eclectic Review, and the Critical Review?—*A.* Yes.

Q. Now, I ask you, there being this number of reviews, have you never looked into any of them to see if sir John Carr's work was reviewed by them?—*A.* I do not recollect to have done so, within the last twelve months.

Q. I ask you whether you have not looked into them concerning "The Stranger in Ireland?"—*A.* I do not recollect to have seen "The Stranger in Ireland," noticed in more than one review. I have seen it, in some review; I do not recollect which it was.

Q. What was the character given of it in that review?—*A.* I think, in the review in which I saw it, it had a very good character.

Attorney General. — Now, sir Richard Phillips, I will ask you another question; have you not yourself assigned as a reason for not publishing this work of sir John Carr's, which you have seen in manuscript, "The Tour in Scotland," "That sir John Carr was worn out?"—*A.* I never used the phrase.

Q. Nor any thing like it?—*A.* No, nor any thing like it.

Q. You never have assigned that as a reason for not publishing that work? Nor any other reason except that of this publication, called "My Pocket Book," and these imputations cast upon the genius of the author?—*A.* I have been asked by booksellers, questions which they had no business to ask me, about sir John Carr's works, and conceiving such questions to be impertinent, I have said to such booksellers, "that my public engagements would prevent me from embarking in such publications, and I have given that answer in tenderness to sir John Carr."

Q. Have you read "The Tour through Scotland?"—*A.* I have looked into it, but not read it through.

Q. It is finished?—*A.* It is.

One of the Jury.—*Q.* I think, Sir Richard, you told the booksellers that your public engagements would prevent you from embarking in such publications; and that you gave that answer out of tenderness to sir John Carr. Pray what was that tender-

ness?—*A.* Because I would not have it understood that any work of that kind, (meaning such works as "My Pocket Book") had had an effect, which appeared to me to be so prejudicial to his character.

Attorney-General.—I will deal candidly with you, Sir Richard. The person to whom I alluded, when I asked you whether you had not said, "Sir John Carr was worn out," is a Mr. Murray. Now I ask you, did you not say so to him?—*A.* No, I did not, that I recollect.

Q. Will you take upon yourself to say, upon your oath, that, to Mr. Murray, you did not say "that sir John Carr was worn out?"—*A.* I could not say such a thing.

Q. Do you swear positively, that you did not say that "Sir John Carr was worn out?"—*A.* I certainly do say, that I did not say so.

Attorney-General.—May it please your lordship: gentlemen of the jury,—I could, certainly, make many observations on the very many ridiculous passages which are to be found in the works of sir John Carr, and which fully justify the ridicule of this book, of which he complains. But I abstain; the case is so rich with ridicule without it, that it would be bad taste to take that course. There is so much in the dramatis personæ, that it renders every thing in the way of ridicule superfluous.—First we have *sir Richard Phillips*, who has given us evidence of his being either one of the greatest fools that ever lived under the sun, or that he is not to be credited on his oath. I say it appears from his own testimony, either that he has given us false evidence, or that he is the greatest fool that ever walked upon the face of the earth—without a guide.

Lord Ellenborough interposing.—Weakest, perhaps weakest.

Attorney-General.—The weakest man that ever walked upon the face of the earth without a keeper.—Erasmus would have given any thing for him when he wrote his Encomion Moriæ—or Pope, when he wrote his Dunciad. If the author of the Dunciad were now living, he would have changed his hero.—If we were living in the days of Pope—we should have a new edition of the Dunciad after this scene. Sir Richard Phillips tells us, that he is publisher of three of these voluminous works, which have been exhibited to you as the productions of sir John Carr. He has told you, that he had given large sums of money for them. That he was about to open a negociation with sir John Carr, for the purchase of another work, and he tells you, there are I think five different reviews, the object of which is, to treat of the merits or the demerits of different publications as they appear in the world, and that they must rise or fall, in a great measure at least—that is, fail of success, or succeed with the public, according to the impression produced by these periodical publications. This must be the case with "The Stranger in Ireland," as well as any other work. And sir Richard Phillips being interested in pocket, as to the credit of that work with the public, tells you, that he never looked into any one of these reviews. He felt that, as soon as he said it, to be a strange thing to be said by a bookseller. For a man who derives emolument from the credit of authors—who eats and drinks their labour—lives upon it.—He felt himself bound to account for this strange expression.—He does account for it—"I never mix myself," says he, "with anonymous scurrilous publications." That is, in substance, "this, my love of virtue, prevents me from opening publications of that kind. They are productions so much beneath me, that I despise them. The purity of my mind might be corrupted by perusing them." Have you read the Edinburgh Review?—"I have formerly, but I do not now. I have two objections to them, that they are anonymous, and that they are scurrilous;" and yet he admits, that himself was publisher of "Anecdotes of Public Characters in this Country," and, "Anecdotes of the Founders of the French Republic." He is the publisher himself of these two works, and they are both anonymous—but he startles at the bare mention of scurrility. "The anecdotes are *facts*—a simple narrative of *facts*." Did these facts, Sir Richard, happen to fall within your own knowledge?—Answer me that plain question.—"No, no, no; facts, as the authors of the works stated to me." That is what sir Richard Phillips calls a narrative of facts!—so much for sir Richard Phillips's narrative of facts, and so much for his abhorrence of scurrility. Now for his abhorrence of anonymous publications—I feel, he says, and so he ought to feel—so we all ought to feel—"an abhorrence of anonymous scurrility," and yet he publishes two books which are anonymous—whether they contain any thing that is scurrilous, we will not here stop to inquire. But we now come to the Reviews: he holds them in great abhorrence: I suppose some of his publications have been roughly handled by them. But who was the publisher of the Oxford Review?—Himself, and here he elevated himself above all other

booksellers; for, says he, "I published the Oxford Review, that there "might be *one honest review* in the kingdom," consigning all others, Dr. Aikin's and the rest, to ignominy—placing himself upon a pedestal, looking down on others and degrading them altogether—a condition in which he is not intitled to place himself. Now, gentlemen, is sir Richard Phillips that pure, immaculate character which he states himself to be?—I put it to you, thus—do you believe he swears truly when he swears, that he became the publisher of the Oxford Review, *merely* for the purpose of giving to the public one honest review in this kingdom? Do you believe that he swears truly when he swears that?—Gentlemen, I told you that sir Richard Phillips was either a witness who had tript in his evidence, or else, that he is a man the most infirm in judgment that ever walked on the face of the earth without a keeper. He states to you, that he would have given the same sum for the work of sir John Carr now in manuscript that he gave for the others, had it not been for the publication of this book called "My Pocket "Book." He tells you, there are five Reviews, in all of which, he knows, as well as any body, that this work must be handled as others are, but so little does he read reviews or anonymous criticisms, that he hardly looks at them, and he hardly looked at this work, called "My Pocket Book," and yet he tells you in the same breath, that in consequence of these petty comments, as he calls them, of this book, "My Pock-"et Book," he declined to buy the other work of his favourite author sir John Carr. But for this scurrilous little work, he would have given sir John Carr £700 for the work which he now has in manuscript. Now, I do say, either that is not true, or sir Richard Phillips is the weakest and the most absurd creature that ever crept on the face of the earth. I could not conceive, had I not seen it, that a man could have made a figure so foolish. I cannot conceive, that a man should so act against his interest, as knowing there were these reviews and publications, and knowing how the next book of sir John Carr might at least be handled, and yet would have given £600 in the first instance for this manuscript of sir John Carr's, if it had not been for this little book, "My Pocket Book," which sir Richard Phillips tells you, at the same time, is a contemptible little work, and which, if that be true, could have had little, if any effect upon the public mind. I have been led into this mode of reasoning from the ground which sir Richard Phillips has thought fit to take. He has arrogated to himself all the honour in the kingdom, as far as it regards the publication of books, and reviews of books. What standard shall I take to judge of the propriety or impropriety of this publication, called "My Pocket Book;—as containing just or unjust criticism on the work of Sir John Carr, called "The Stranger in Ire-"land?" I will appeal to my Lord Mountnorris, who has a high personal respect for the author of the book, called "The Stran-"ger in Ireland," and partial towards the subject of it. The truth is, that Sir John Carr went to Ireland well recommended. He received there the honour of knighthood—and knighthood, fine clothes and genteel manners, are an introduction into genteel circles, and gain a high name for a while, to an author, and may be a short substitute for genius, to a person who chooses to figure as an author. He thought his name would uphold his book, but that will never do long, unless the book can uphold his name. Sir John Carr thought that his book would pass on account of his name. And it very nearly had. My Lord Mountnorris had very nearly got himself into the scrape of buying this book of Sir John Carr's called "The Stranger in Ire-"land." He would have done so, but from the circumstance of his having seen this book, called "My Pocket Book." And here I think my Lord Mountnorris has some reason to complain of his friend Sir John Carr, and of those who gave him that name. Not that I mean to insinuate that Sir John Carr is unworthy of the honour of knighthood; I am speaking of him merely as an author, and in that view, knighthood may sometimes have the effect of a false token. "*Cum pulchris tunicis sumet nova consilia* "*et spes.*" But what effect has this book called "My Pocket Book," had on the public mind? Why, my Lord Mountnorris, who has a personal respect for Sir John Carr, shall answer that question. He said that understanding Sir John Carr to have spoken handsomely of Ireland, and feeling an interest in that subject, he was disposed to buy the book; but he read this criticism, and having read it, he read the book which was the subject of it. He then compared them with each other—what was the effect of his doing so? Why, that he would not buy the book. Why did he not buy the book? Because it had been so successfully ridiculed. How came it to be so successfully ridiculed? Perhaps you can guess. My Lord Mountnorris had like to have reposed too much confidence in the name of the author. But having looked at

the book which gave an acconnt of it, and then having compared them with one another, that is, he compared the book of Sir John Carr with the manner in which it had been turned into ridicule, he said to himself —" This work of my friend Sir John Carr " will not do for me—I will not buy it." This is putting things to the test—this is exactly the use of criticism, which is preventing those who have not seen, from buying bad books. This is a proof that in the judgment of my Lord Mountnorris, a man of erudition a friend to the author too, and partial to his subject—thinks the book, after an attentive perusal of it, not worth buying. My Lord Mountnorris did not content himself with reading this criticism, but he read the book itself, and after perusing both, he found the book of Sir John Carr so ridiculous a work that he would not buy it, for he did not choose to be laughed at by those who might see it in his library. —I do not complain of those who purchase books without having read them, or hearing something of their character from men of judgment; but those who, like my Lord Mountnorris, take the precaution to peruse a book before they buy it, are, I think, a great deal more prudent. My Lord Mountnorris has shewn us the utility of criticism; and I think he has shewn us the justness of the criticism here complained of.—Gentlemen, I think this case a great deal too clear to require any further observations. I confess I had brought my mind up to saying a good deal on the subject of Sir John Carr's literary labours. I had been almost tempted to do so; but I think it has become unnecessary after the evidence you have heard. I might have compared the works of Sir John Carr with authors of antiquity whose works have been treated with ridicule. There was Socrates, and Aristophanes criticised him; but his doctrines were not the less published on that account. Why? *Because the ridicule did not affect his fame. It is because works are ridiculous, that ridicule affects them.* Whoever sends into the world a book, gives to the public a right of dealing with the contents of that book as the contents deserve. If the book be a work of genuine merit, *no attack upon it, however, violent, or however ingenious, will do it any permanent injury.* If, on the other hand, it be a work which has for its support, nothing but knighthood—a large margin—hot-press—gilt leaves morocco and binding, it really never can stand the test of criticism, and the sooner it is sent into the shades the better. The public are indebted to the critic who so disposes of it; for the public have an interest in the discouragement of bad books, almost as much as in the encouragement of good ones. It has another good effect—It shews those who have not, otherwise, means of discovering the true character of a book, how to save their money. Such is the effect of genuine criticism, and a very valuable thing it is to the public. I have my learned friend's concession, that fair and manly criticism, even if you do not agree in opinion with the critic, is not to be complained of. I think my Lord Mountnorris has proved this to be of that character. —Gentlemen, I will detain you no longer; I am quite satisfied that you will be of opinion, that this book, although severe, was published in the spirit of fair criticism, and, of course, that your verdict will be for the defendants.

Lord Ellenborough.—Gentlemen of the jury; this is an action brought by sir John Carr against these two defendants, booksellers of the names of Hood and Sharpe, for having published, what he contends to be a work intending to turn him into ridicule; and he alledges in his declaration, that he has suffered special damages on account of this book; that he, being about to sell another work to sir Richard Phillips, that bookseller declined to purchase that work; on which account he could not sell it, whereby he lost the considerable advantage which has been stated to you.—Now, gentlemen, before we advance to the work itself, let us look at the principle of this species of action. Every person who writes any book, and publishes it, of whatever description it may be, commits it to the public; any person may comment upon it, upon its principle, upon its tendency, or upon its style—may answer, and expose to ridicule its character, if it be ridiculous—and may do the same thing with the author, as far as he is embodied in the work. Now this publication of the Travels of Sir John Carr, makes " a description of the place where he is," a principal part of the work. He is taking his departure from Dublin; and he speaks of himself in a manner that connects himself with the work. The book published by the defendants takes notice of this part of the plaintiff's work, and it is exhibited in the print, and it refers to parts of sir John Carr's book wherein expressions are used similar to those used in the present publication. It is contended that

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this work of the defendants should not be suffered, because it ridicules, immoderately, the works of the plaintiff. Why, gentlemen, if the thing itself be ridiculous—if the principle of it be bad—or, though the principle be unobjectionable, if the work itself be ill digested—bad composition—written with bad taste, or otherwise defective, so as to deserve the character of a "bad book,"—it is doing great service to the public to write it down; such works cannot be too soon exposed—the sooner they disappear the better. I speak this without prejudice to the work of sir John Carr, for I have not read a word of it. It may be, for aught I know, excellent. It would be unfair in me to censure what I have not read, like the sheriff—God forbid I should do so; the books of this gentleman may be very valuable works. But this I say:—whatever character his works merit, others have a right to pass their judgement upon them, and to censure them, if they be censurable, and to turn them into ridicule, if they be ridiculous. If there were no such right, we should have no security for the exposition of error; bad systems of philosophy would not be written down, as that of Des Cartes was by Newton; and bad systems of government would not be written down, as that of sir Robert Filmer's was by Locke. After Mr. Locke had published his work upon government, against that of sir Robert Filmer, I dare say this sheriff, sir Richard Phillips, would not have given a shilling for the book of sir Robert Filmer, if it were a publication of the present time. What then? Could any body maintain an action against Mr. Locke for his publication, for writing down the fame of sir Robert Filmer? Certainly not. Mr. Locke did great service to the public by writing down that work; and, indeed, any person does a service to the public, who writes down any vapid or useless publication, such as never ought to have appeared. It prevents the dissemination of bad taste, by the perusal of trash; and prevents people from wasting both their time and money. I say this, however, as applicable to *fair and candid criticism*, which every person has a right to publish, although the author may suffer a loss from it. It is a loss, indeed, to the author; but is what we in the law call *Damnum absque injuriâ*; a loss *which the law does not consider as an injury, because it is a loss which he ought to sustain.* It is, in short, the *loss of fame and profits, to which he was never entitled;* and the person who occasions that loss, by fair criticism, is not guilty of that species of conduct which subjects him to an action in a court of justice. Why then, let us suppose that the plaintiff in this action has lost the benefit of selling his Scotch Tour, now in manuscript, to sir Richard Phillips; if he has lost it, by *fair criticism* upon his former works, which criticisms have rendered his writings ridiculous, he must abide by such loss, it being his fate to sustain it by *fair criticism.* This I take to be law. *If it were otherwise, I do not know where we are to stop.* No man will be at liberty to expose the works of another, however ridiculous. I think we ought to resist a complaint, against *fair and liberal* criticism, at the threshold; I think it is our policy, in every view of the thing. I do not know any thing that more threatens the liberty of the press, in the times in which we live, than giving too much encouragement to this species of action. But do not let me be misunderstood; for I do not mean to say, that if there was any thing in the book, published by the defendants, of a libellous tendency, wholly foreign to the work, or unconnected with the author of it, as embodied in the work; if there was any thing in it, tending to render him ridiculous, unconnected with the work, the action is maintainable. *Neither you nor I have appeared before the world in the character of an author, at least I have not;* but, if I had, I should not think myself entitled to maintain an action against any body else, who ridiculed my work, *and proved it to be ridiculous.* If any person chooses to exhibit a picture, which was itself ridiculous, another cannot be liable to an action, for pointing out wherein it is ridiculous. If another chooses in his work to draw a picture of himself, to place himself in a given situation, another person has a right to finish that picture by exposing it to ridicule, *if it be ridiculous*; and by criticising upon the words which the author has made use of. If, therefore, you think this is a criticism of the work of this author, and of the author himself, as far as he is connected with the work only, and not written by way of calumny upon him as an individual; I am of opinion that this action is not maintainable. But if you are of opinion, that this work is written against this author, *as a man*, and unconnected with his work, then, my opinion is, that the action is maintainable. We do not find, that there is any charge here on account of the work being anonymous. In a word, if you are satisfied, that this criticism is levelled at the plaintiff's work, and at the plaintiff himself, only as he is connected with, and embodied in, the work, I am of opinion that he must take the consequences of it: and, indeed it does not appear to have done any material injury,

as appears from the opinion of my lord Mountnorris, who considered the criticism so extremely clever, that after having read it, and the work to which it referred, chapter by chapter, he says, "I should have bought the one, but for the other;" which is equivalent to his having said, that he thought the volume, to which the criticism referred, not worth buying; and, if you think so, gentlemen, you will find a verdict for the defendants.

One of the Jury.—Is there any thing in the defendants' book of a libellous tendency, by way of personal attack on the character of the plaintiff, unconnected with his publications?

Lord Ellenborough.—Something has been referred to of that kind; but nothing has been laid before us in proof of it. The plaintiff appears to be placed in a ridiculous situation, in a groupe of figures. He might have been so described by words. If any thing had been said of this plaintiff reflecting on his character, unconnected with this book, I should have told you that, in my opinion, it would have been a libel; but we have no proof of that.

One of the Jury.—If it be contended, that there is any personal reflection upon the plaintiff, in this book, unconnected with his writings, we must go through the contents of it.

Lord Ellenborough.—We have no proof that there is.

The jury without a minute's consultation, returned a—VERDICT FOR THE DEFENDANTS.

Lord Ellenborough.—I hope nobody will understand, from the result of this trial, that there is the least countenance given to slander nor to ridicule any author, any more than any other individual, *unless such ridicule be connected with his works, and the author is embodied with his work;* for courts of justice are as tender of the moral characters of all men, whether they be authors or not, as they are firm in maintenance of the right of every individual, to give a free opinion, *on every publication of a literary work.*

MAJOR CARTWRIGHT ON NATIONAL DEFENCE.

SIR;—You very rightly estimated the feelings of the author of the Ægis, when you concluded that the events in Spain, (which have shewn how a nation is to be defended, and how Europe is to be delivered) as proving that the principles laid down in that work, were the principles of nature and reason, must have given him much satisfaction. These events are the more gratifying, inasmuch as he shall confess, that he had not contemplated Spain, as the country in which a successful resistance to France was most likely to originate. The grand aim of his essay was to awaken his own country to a sense of her danger, in trusting her defence too much to a standing army; as well as to the excess of her imprudence, and even criminal indifference, in suffering her ministers and parliament to evade, in respect of arming, the clear principles of the constitution, without remonstrance or expostulation. Those of our statesmen who talked of armed citizens being only "depositaries of panic," and of an organised population being to a regular army of invaders "an unresisting medium," may now feel that they have errors to acknowledge; but the author of the Ægis is well content with the Spanish illustration of his English text.—It is not a little to his purpose that, prior to the fall of the Spanish Bourbons, and the Prince of the Peace, the armies of Spain had never been held up to us as models, formed in *the school of the great Frederick;* that the Corsican had artfully drawn the flower of the Spanish army, such as it was, out of the country, and employed it in the north of Europe; and that with his influence at Madrid, we may be sure that that army had, for a considerable time past, been neglected as much as possible. We knew not, indeed, any thing of its strength; but have seen no evidences of its having been considerable. It has been stated to us, that Castanos himself was at first only at the head of 3 or 4,000 men; and, either in postscript or a note to the letter of our own commissioner, Capt. Whittingham, reporting the surrender of Dupont and Wedel, we were told that "one "half" of the Spaniards were "peasant-"ry." Be that, however, as it may, we have grounds for understanding, that a junction of the English force of 6,000 men under Gen. Spencer was offered, but declined by Castanos, who felt justly confident of his strength; when we know the firm and dignified conduct of the Spaniards, in declining English assistance for reducing the French fleet at Cadiz, our private intelligence respecting a similar conduct in the other case becomes the more credible. Had Spain been provided with a regular force, in any degree considerable, a place of such importance as Saragossa could not have been wholly without them; and yet Palafox, Captain General of Arragon, in his letter

to the council of Castile after the retreat of the French from Madrid, expressly says: "Regarding myself, I have been more criti- "cally situated than any other commander, "being *without a single soldier*, and placed "within immediate reach of the enemy, "from my proximity to his frontiers, and "liable to be attacked from Catalonia, "Castile, and Navarre."—Although Spain, so different from the cases of Prussia, Austria, and Russia, was completely taken by surprize; and had her country, from Pampeluna to Cordova, absolutely in the power of French armies, and a French force also master of Cadiz, before she knew that Napoleon was her enemy; yet, to her immortal honour, we hear but of one instance of the armed population, which of course had been very hastily collected, giving way in battle; and even then the disaster produced no ill effect; the patriots soon rallied, and the French veterans were shortly after conquered and made prisoners. Even where the general was "without a single soldier," so far are we from hearing that his armed patriots were a mere "depositary of panic," that the French armies in their repeated attacks on Saragossa were uniformly repulsed with great slaughter; and Palafox was even able to make detachments "to Catalonia, Navarre, and other "provinces," as he himself states. The French emperor indeed, like a certain English statesman, judging an armed population, to be "*an unresisting medium*" to his invincibles, directs his deputy usurper to proceed to Madrid, and very coolly appoints the time for his arrival; but, by the countermarch which was so precipitate, as barely to allow time for packing up the stolen regalia, it is probable those two great men, Napoleon and Mr. Windham, may by this time have changed their opinion, on the subject of "*an unresisting medium.*" Very far am I indeed, from pretending to superior discernment; but, I lay claim to have pointed out ten years ago the *right* means of effecting "the deliverance of Europe;" my words were these: "Turning then to the "*map*, we see Europe of a size to take care "of herself; adverting to the *constitutions* "of the governments which are opposed to "each other, we know, that it is by alliance, "not with the English treasury, but with "their own degraded subjects, the courts "of Austria, Germany, and Muscovy, may "effectually withstand the arms of France. "Whether the frontiers of the republic be "marked by a Rhine, or a rivulet, it were "in the way of hostility, equally impassable "to her, were but Germany a *free* and an "*armed* nation."*

A stronger contrast, between the effect of right and of wrong principles of defence, than what we have witnessed in the north and the south, human history cannot afford. The instruction I hope, will not be thrown away upon us. Were the emperors Francis and Alexander, ruling over about sixty millions of the European population, to give their debased subjects real freedom, by the introduction of representative assemblies, like the cortes of Spain, or the house of commons of England, and were they likewise to organize what we call a posse comitatus, would not France be instantly stripped of all her terrors? Would she not then see sprung up around her from the south to the north of Europe, an adamantine wall of warriors; a wall she could not pass; warriors she would have no stomach to provoke? —Could any longer kings or emperors tremble, when the Corsican lion put out a paw, or was heard to growl? And would they not then contemplate him with the same composure as we contemplate a caged lion in the tower? Would the licentious soldiery of France, half monkey half tyger, any longer scamper over all countries doing ridiculous mischief mingled with rapine and carnage, authors of human calamity, objects of human curses? Would her terrified tributaries any longer submit to her insufferable arrogance? Would any prince out of the pale of France thenceforth dare to play the tyrant? Would any people endure it? And would not the French themselves, too little sedate for teachers of liberty, then be taught it? The pillaging occupation of their armies gone, they would no longer feel the curse of conscription. Their vain-glorious humour no longer played upon to the torment of Europe, and their energies compressed within national limits, those energies might be expected to recoil upon the artful tyrant who has misapplied them, extorting from him that sober, solid liberty, of which his craft, aided by their vanity and vices, has hitherto defrauded them.

Such, Sir, I take to be the rational process for effecting Europe's deliverance; and as infallible as it is simple. On no other principles can it be effected. As to a mere balance of power between despots, to call that by the name of deliverance, would be a profanation of the faculty of speech by which we are distinguished from brutes. If on right principles we cannot be aiding in

* Appeal, 2d edit. p. 269.

extending true deliverance beyond the Pyrennees, let our country cease to mingle in the counsels of despotism; let her decline its pernicious alliance; let her not repeat her expensive follies, by joining in its corrupt and hateful projects; let us leave the weak and the wicked to fight themselves the battles of their own selfish ambition; cleaving with warm affection to our new allies, and giving them our best counsel and our best aid towards the establishment of their liberties.

Spain, having for her salvation snatched up her arms, has at this moment actual freedom. The mode of its presesvation is simple. She has only to give permanence to her arms-bearing, by an organization of her population to that end, on the principles of an English posse comitatus; and to renovate her cortes on principles equally simple. These being the foundations on which her future liberties must stand, her first cortes ought to assemble under instructions from their constituents, to make these the primary objects of attention, as the fundamentals of their recovered constitution. Spain, so acting, will have nothing to fear from France, although abutting upon her very soil and territory, all the way from the Bay of Biscay to the Mediterranean sea, a distance (according to some maps) of nearly three hundred miles. Could this be the case with any despotic government so circumstanced, whose subjects felt no interest in its defence? But armed, free, and proudly independent, may Spain stand, despising the Corsican's utmost power, as much as she must abhor his perfidy, and disdain his alliance. What she has to expect, should her arms and her freedom be again neglected, she well knows. With such an ally, so strong in Europe, so rich in America, and with the command of the ocean, we may be well content. But we must recollect that England is only separated from France by a channel, which, as a barrier, is more easily passed than the Pyrennees; and that, unless we henceforth enter with this ally the virtuous lists of emulation, in perfecting our own security through the medium of arms and liberty, we shall neither do our duty to them, nor to ourselves, nor to our posterity.

So acting, how could England and Spain be long without peace? And so continuing to act, must not such peace have in it the principle of permanence, whatever might be the conduct of other powers?

Should the despotic sovereigns be too void of intellect, and too much the tools of corrupt statesmen, to be capable of acting right, that ought not to induce us to act wrong. If too inveterately despotic to make their people free, let them, say I, remain themselves the slaves of the Corsican! Not with my consent should in that case an English guinea be spent, nor a drop of English blood be shed, to better their condition. If too much of tyrants to give, for the sake of their own emancipation, freedom to their people, they deserve to be hurled from their thrones, and the sooner the better. Should that happen, their subjects might probably enough be roused, as the Spaniards have been, to assert their own rights. Tame and patient under the tyranny to which by habit they have submitted, French impertinence and insolence might prove a cure for their phlegm, and provoke them to an overwhelming resistance; which must produce that deliverance of Europe, of which their contemptible sovereigns had been incapable.

The distinction between spurious and genuine wisdom, which is so beautifully inculcated in Scripture, was never perhaps more conspicuous that in what we have witnessed, touching Europe's deliverance. Sovereigns, statesmen, generals, and the sages of diplomacy, having neither thought nor cared about honesty and morality, much less the liberties of mankind, and being confounded by the failure of all their unnatural projects, are completely bewildered: but the moment it is taken up by a people, as a question of human right and human feeling, the mystery vanishes, and the practicability of the object with ease and certainty becomes manifest. This is one of those things which, although long hid from the wise and prudent, is now revealed to babes.

As expeditiously as could reasonably be expected, we see all the provinces of Spain about forming a common junta, for giving union and consistence to measures for the common good; and things everywhere tending also to the formation of one grand national cortes. But, recollecting what the sword has done for them, they must never forget their obligations to it. Between defence by laws, and defence by the sword, there is this distinction: the former can be managed, and is best managed, by representatives; but the latter cannot. The nation which hires a soldiery to fight for it, gives itself masters instead of engaging servants. *Legislation* is the office of the few, selected for wisdom and honesty, and requires only periodical meetings in a single hall or chamber: but *defence*, whether against riot, insurrection, rebellion, or invasion, is equally the business and the duty of all who are able

to use a weapon; and is not perfect, unless there be permanent and equal preparation at all times and in all places; according to the admirable principles of our posse comitatus. Every country must have arms and laws, that is, its sword and its parchments. If the parchments be stolen, the sword compels the robber to surrender them back: but when the sword is once stolen, the robber is sure to take the parchments also; and a government once become despotic, soon becomes weak. Always keeping in mind that the superior energy of the French army was the immediate effect of liberty, and was afterwards kept up by genius, feeding its vanity with victory after victory, over armies which had not a like energy, let us turn our attention to the states which France had to encounter. Had the feeblest of these, Prussia, been free, we may easily conceive, from what we have seen in Spain, that her repose would not have been disturbed; whereas, notwithstanding the high reputation of her troops, we have seen her conquered even before the enemy entered her territory; and that, by a force not consisting of one Frenchman to fifteen Prussians capable of bearing arms. To humble Austria, took only one man to twenty, of those which freedom would have brought into the field; as to reduce Russia herself to a condition so dependent that a saucy Frenchman, at St. Petersburgh, was more like the prime minister of the Czar, than the ambassador of another state, did not require one French soldier to thirty fighting men of those Rus ians who were able to draw the sword. Such is the radical weakness of despotic governments!

While warring only with brother despots the Corsican, Sir, seems the very enchanter of a romance. He smites the pompous machinery of his foe, it is shivered to fragments, and he marches onward, as though none had opposed him. But the moment he meets armed freedom, he is constrained to halt, his enchantments fail, and victory, under whose guidance he had been the scourge of tyrants, now waves the banner of liberty in hostility, his legions are given to the edge of the sword, or to captivity, and himself to shame and anguish of soul; those very legions which had mowed down as stubble the regular defenders of despotic thrones become themselves stubble to embattled patriots. Thus the chains, with which the perfidious Corsican thought to have irrevocably bound to his footstool the Iberian nations, there to administer to his restless ambition, are suddenly snapped asunder, and the whole secret of Europe's deliverance is seen to be—*arms and liberty*; —a secret, the earlier knowledge of which might have saved our country hundreds of millions, streams of blood, and no small mortification: and what must it not have saved to the suffering continent?

After the full light which the magnificent atchievements of the Spanish patriots has cast on the questions of national defence and European deliverance, we must be curious to observe the future conduct of our own statesmen, relative to those objects. Will they be any better disposed than heretofore to a right system? Will they open their eyes to the truth? Or, will they obstinately shut them, and resist conviction, by still appearing ignorant that liberty is the proper motive, and arms in free hands the proper means? If they cannot shew that the former is not the right motive, and the latter not the right means, how can they avoid using their honest endeavours to reform the infamy of our elections, to purge the land of its abominable borough corruptions, and to renovate the ancient vigour of the constitution, in its posse comitatus?

Keeping in mind, that a balance of despotisms is not a deliverance of Europe, I hope that Englishmen will be no more taxed, for hiring emperors to fight in a cause, in which triumphant success would only rivet more closely the fetters of their own miserable subjects.—I remain your obedient servant, J. CARTWRIGHT.

September 6, 1808.

OFFICIAL PAPERS.

RUSSIANS IN FINLAND.—*The following is extracted from one of the official Reports, describing the hideous Proceedings of the Russians in Finland. Dated Wasa, July* 14, 1808.

As soon as the Swedish troops were known to approach Wasa, the civil governor, Emine, and the commandant of the town, major-general Kniper, as well as his deputy major Stegeman, decamped, so that major-general Demidoff had the command there during the engagement; when this was over, and the Swedish corps had retreated, the inhabitants, who had been exposed to all the horrors and mischief of a constant fire of musquetry and cannon, which killed and wounded many in their houses, expected some respite; but almost immediately after, general Demidoff gave orders to plunder the town, which was done in the most cruel and diabolical manner, under his personal direction and presence; and that of the civil governor Emine, and general Kniper, who had returned, when they found that their army had retained posses-

sion of the place. These scenes of murder, wanton cruelty, and devastation, continued until the 30th of the same month, without the least intermission, except for a few hours, while lieut.-gen. Rajewski happened to stop in his way through the town, who expressed his utmost detestation at their conduct, and gave orders that the sacking and plundering of the town should cease; but he had no sooner left the town, than these murderous proceedings recommenced, and the soldiers divided themselves into larger and smaller bodies, and thus occupied the whole town. Their usual mode of proceeding was, to fire a volley of musquetry through the windows of the houses, and then to rush in, and with the bayonet destroy whoever was to be found that had not time, or could not hide themselves in the cellars, under straw or rubbish in the barns, outhouses, lofts, or garrets, and afterwards to plunder and carry away whatever was of any value.—All windows, furniture, china, glassware, and every article that could not be removed to answer any of their purposes, were broken and utterly destroyed, and all this under the eye and presence of the officers, who went about, and encouraged them, calling out *dobra* (bravo), *raruscho* (charming). No distinction whatever was made as to churches or a hovel, between the highest or lowest of the people; ladies of distinction, women and children of all sorts, the sick and wounded, the aged and prisoners of war, all fared alike, all were treated in the most inhuman, cruel, and detestable manner, and all were plundered. The supplications, upon their knees, with tears and intreaties of many of the most respectable ladies in the town, to obtain safeguards, was treated by that worse than wild tyger gen. Demidoff, and that complete monster in human form, governor Emine, who were galloping through the streets to give vigour and activity to the havoc and devastations carried on by the soldiers, with a broad grin of contempt, or the most brutal conduct, and at best with unmanly threatenings, "that if they ventured to say a word, the town should be burned, and levelled with the earth."—As a barefaced excuse for these cruelties, and for this irreverence to the Swedish nation, the Russian commander alledged that some of the inhabitants of the town had fired from their houses on the Russian troops—an accusation equally false and ungrounded as the report circulated by some evil-minded persons, that the inhabitants of the town had fired from the windows on the Swedish troops. All weapons in the town and belonging to private persons were long before taken from the inhabitants, so that none of them had a single fire arm left.—In the country about the town, the conduct of the enemy was no less cruel and barbarous; they plundered and burned villages, destroyed fields and meadows; insulted the unhappy inhabitants; inconsolable widows and mourning children; fathers, sons, brothers, and friends, carried away and punished in the most abominable manner; grief, lamentation, misery, and despair, and the town itself, formerly so flourishing, now plundered, are the first objects that present themselves to the traveller, and inform him by what sort of enemy these places have been visited.—N. E. Von Schoultz.—Dep. ld. lieut. of the county of Wasa.

Portugal.—*Proclamation by the Commanders in Chief of his Britannic Majesty's Forces, employed to assist the loyal Inhabitants of the Kingdom of Portugal. Dated Lavos, Aug.* 4.

People of Portugal,—The time is arrived to rescue your country, and to restore the government to your lawful prince. His Britannic majesty, our most gracious king and master, has, in compliance with the wishes and ardent supplications for succour from all parts of Portugal, sent to your aid a British army, directed to co-operate with his fleet already on your coasts.—The English soldiers who land upon your shores, do so with equal sentiments of friendship, faith, and honour.—The glorious struggle in which you are engaged is for all that is dear to man, the protection of your wives and children, the restoration of your lawful prince, the independence, nay, very existence, of your kingdom, and for the preservation of your holy religion: objects like these can only be attained by distinguished examples of fortitude and constancy.—The noble struggle against the tyranny and usurpation of France will be jointly maintained by Portugal, Spain, and England, and in contributing to the success of a cause so just and glorious, the views of his Britannic majesty are the same as those by which you are yourselves animated. (Signed) Charles Cotton.
Arthur Wellesley.

Proclamation of the General commanding the Portuguese Army, to the Soldiers of the French Army in Portugal.

Soldiers of the French army! The moment is now arrived to speak openly to those who hitherto have refused to listen to the language of reason. Open your eyes, Soldiers, to the deep abyss of evils which have grown under your feet, through the foolish ambition of your emperor, the im-

policy, the avarice, the sanguinary barbarity, of your generals. Listen to the voice, the cry of an army which has proved a man may be a soldier, and yet humane; that in the same heart may be united the most intrepid bravery, with religion and morality. What do you hope for from the Portuguese armies, the brave English, or the high-spirited Spaniards, our dear allies, sworn enemies to your government, which, with the greatest atrocity has outraged the one and persecuted the other!—To forge chains for your country, or to perish in the field of battle. What a frightful alternative! It is nevertheless your fate; but an allied and betrayed prince! but an hospitable and pil laged people! but a pacific and assassinated nation, demand our vengeance! There remains but one way of avoiding so cruel a calamity! Abandon your colours, come and join our army. If you do so in the name of the prince and in the name of the people, I promise, that you shall be treated as friends, and that you shall one day have the pleasure of returning to your friends and to your families, who are distracted with grief at having lost you. The advice can neither be considered as contrary to honour or duty, if it is properly understood. But, soldiers, if there be any among you who are so insensible to the sweet emotions of religion and humanity, that they will not leave their posts—(such monsters are at least a heavy burden to the universe)—they are well worthy of the cause they defend, and the recompence that awaits them. Soldiers, make your determination while you have an opportunity—ours is made. Dated at the Head-quarters of the Portuguese Army, Aug. 10, 1808. (Signed) BERNARDIM. FREIRE D'ANDRADA.

VICTORY OF THE BRITISH ARMY IN PORTUGAL.—*From the London Gazette Extraordinary, concluded from page* 416.

Lieut. col. G. Tucker, and lieut. col. Bathurst, and the officers in the departments of the adjutant and quarter-master-general, and lieut. col. Torrens, and the officers of my personal staff, rendered me the greatest assistance throughout the action.—I have the honour, &c.—(Signed) A. WELLESLEY.

N. B. Since writing the above, I have been informed that a French gen. officer, supposed to be gen. Thebault, the chief of the staff, has been found dead upon the field of battle. A. W.

Return of Killed, Wounded, and Missing of the Army under the Command of Lieutenant-General the right hon. Sir A. Wellesley, K. B. on the 21st of August, 1808.—*Head-quarters, Vimiera.*

Gen. Staff, 1 capt. wounded.—Royal artillery, 2 rank and file killed; 2 rank and file, 2 horses, wounded.—Royal engineers, 1 lieut. missing.—20th light dragoons, 1 lieut. col. 19 rank and file, 30 horses, killed; 2 serjeants, 22 rank and file, 10 horses, wounded; 1 capt. 1 drummer, 9 rank and file, 1 horse, missing.

1st brigade, major-gen. Hill.—5th foot, none killed or wounded.—9th foot, none killed or wounded.—38th foot, none killed or wounded.

2d brigade, major-gen. Ferguson.—36th foot, 7 rank and file killed; 1 capt. 3 lieuts. 1 ensign, 1 staff, 1 serjeant, 1 drummer, 34 rank and file wounded; 1 serjeant, 1 rank and file missing.—40th foot, 6 rank and file killed; 1 capt. 1 lieut. 2 serjeants, 28 rank and file wounded; 6 rank and file missing.—71st foot, 12 rank and file killed; 2 capts. 4 lieuts. 1 ensign, 1 staff, 6 serjeants, 86 rank and file wounded.

3d brigade, brig. gen. Nightingale.—29th foot, 2 rank and file killed; 1 capt. 1 serjeant, 10 rank and file wounded.—82d foot, 1 lieut. 7 rank and file killed; 2 serjeants, 51 rank and file wounded.

4th brigade, brig. gen. Bowes.—6th foot, none killed or wounded.—32d foot, none killed or wounded.

5th brigade, brig. gen. Craufurd.—45th foot, none killed or wounded.—91st foot, none killed or wounded.

6th brigade, brig. gen. Fane.—30th foot, 1 capt. 1 serjeant, 18 rank and file killed; 1 major, 3 lieuts. 1 serjeant, 1 drummer, 61 rank and file wounded; 2 rank and file missing.—5th bat. 60th foot, 14 rank and file killed; 2 lieuts. 1 serjeant, 31 rank and file wounded; 10 rank and file missing.—2d bat. 95th foot; 1 serjeant, 5 rank and file, killed; 1 ensign, 13 rank and file wounded; 3 rank and file missing.

7th brigade, brig. gen. Anstruther.—2d bat. 9th foot, 3 rank and file killed; 1 serjeant, 14 rank and file wounded.—2d bat. 43d foot, 1 serjeant, 26 rank and file killed; 1 major, 3 lieuts. 5 serjeants, 2 drummers, 68 rank and file wounded; 1 drummer, 12 rank and file missing.—2d bat. 52d foot, 3 rank and file killed; 1 lieut. 2 serjeants, 31 rank and file wounded; 2 rank and file missing.—97th foot, 4 rank and file killed; 1 major, 1 lieut. 2 serjeants, 14 rank and file wounded.

8th brigade, brig gen. Ackland.—2d or queen's, 1 serjeant, 6 rank and file wounded.—20th foot, 1 lieut. killed; 1 lieut. 5 rank and file wounded; 1 rank and file missing.—Royal staff corps, none killed or wounded.

Total, 1 lieut. col. 1 capt. 2 lieuts. 3

serjeants, 128 rank and file, 30 horses, killed; 3 majors, 10 capts. 19 lieuts. 3 ensigns, 2 staff, 27 serjeants, 4 drummers, 466 rank and file, 12 horses, wounded; 1 capt. 1 lieut. 1 serjeant, 2 drummers, 46 rank and file, 1 horse, missing.

Names of Officers Killed, Wounded, and Missing, on the 21st of August, 1808.—Gen. Staff, capt. Hardinge, of the 57th foot, deputy assistant quarter-master-general, wounded.—Royal engineers, first lieut. Wells, missing.—20th light dragoons, lieut. col. Taylor killed; capt. Eustace missing.—20th foot, lieut. Brooke killed; lieut. Hogg wounded.—29th foot, brig. major A. Creagh wounded.—36th foot, capt. Herbert slightly wounded; lieuts. Hart, Lought, and Edwards, slightly wounded; ensign Bosell slightly wounded; lieut. and adjutant Poveah severely wounded.—40th foot, capt. Smith slightly wounded; lieut. Frankeley slightly wounded.—43d foot, major Hearne wounded; capts. Ferguson, Brock, and Haverfield wounded; lieut. Madden wounded; ensign Wilson wounded.—50th foot, capt. A. G. Cooke killed; major C. Hill wounded; lieuts. J. Kent, J. Wilson, and R. Way wounded.—52d foot, capt. Ewart wounded; lieut. Bell wounded.—60th foot, lieut. C. Kirk wounded; L. Reith wounded.—71st, capt. A. Jones slightly wounded; major Mackenzie slightly wounded; lieut. J. D. Pratt severely wounded; lieuts. W. Hartley, R. Dudgeon, and A. S. M'Intyre slightly wounded; ensign W. Campbell slightly wounded; acting adjutant R. M'Alpine severely wounded.—82d, lieut. R. Donkin, killed.—95th, lieut. Pratt, wounded; ensign W. Cox, wounded.—97th, major J. Wilson wounded; lieut. E. Kettlewell wounded.

Abstract of the above return.—4 officers killed, 37 officers wounded, 2 officers missing, 3 non-commissioned officers and drummers killed, 31 non-commissioned officers and drummers wounded, 3 non-commissioned officers and drummers missing, 128 rank and file killed; 466 rank and file wounded, 46 rank and file missing; 43 horses killed, wounded, and missing.—Total officers, non-commissioned officers and drummers, rank and file, and horses, killed, wounded, and missing, 783.—G. B. Tucker, Dep. Adj. Gen.

Return of Ordnance and Ammunition taken in the Action of the 21st instant.—1 six-pounder, 4 four-pounders, 2 three-pounders, 6 five-and-half-inch howitzers. 2 ammunition waggons. 21 Portugueze ammunition cars. 40 horses. 4 mules.—The above is only the number already received in the park: but, from several accounts, there are eight more taken from the enemy. The ammunition waggons and cars contain a portion of powder, shells, and stores of all descriptions, and about twenty thousand pounds of musket ammunition.—W. Robe, Lt. Col. commanding Royal Artillery.

Spanish Revolution.—(Continued from p. 405.)—*Official Account of the Surrender of General Dupont. Dated Baylen, July 22*, 1808.

To His Excellency Don F. H. Castanos, Commander in Chief of the Army at Andalusia.

Most Excellent Sir,—Subsequently to the dispatch which I had the honour to transmit to your excellency, on the 17th inst. relative to the attack made by the division under my command, on that of Gen. Gobert (killed in the action), which was dislodged from all the positions it had occupied, as far as the proximity of Baylen, and completely defeated, and to the motives which had induced me to fall back on Menjibar, I repassed on the evening of the same day the river of Guadalquivir, and took a position on that night, in which I was joined next morning on the 18th by the second division under the command of the Camp-Marshal the Marquis de Compigny. We jointly broke up for that city, with a view to attack the enemy if he occupied it.—Immediately on my arrival, in compliance with your excellency's orders, I disposed the columns of attack with a direction to Andujar; but at three o'clock in the morning of the 19th, and when our troops where forming for the march, Gen. Dupont, with his army, attacked our camps, and opened a fire with his artillery, in the hopes undoubtedly of taking us by surprise; but with the celerity of lightning, the troops of the different divisions, led on by their intrepid chiefs, repaired to all the points of attack, assisted by artillery; the shock was so vehement, that the first company of horse, and also foot, suffered greatly from the enemy. At the break of day our troops were already in possession of the heights, which they had occupied before, and the enemy attempted his attack on various parts of the line, having the advantage of forming his columns under the cover of our fire, by the superior position he occupied, under protection of his artillery.—He has been driven from all points, and even pursued in defiance of all his vigorous attacks, which he reiterated without any farther interruption than what arose from occasional recession and the formation of new columns, until half-past twelve o'clock of the day,

when, overcome by fatigue, without having been able to gain ground, although he had at intervals broke our lines of defence with the courage peculiar to troops so accustomed to vanquish, and even arrived at our batteries, which were served on this day in a manner that astonished and terrified the enemy, and of which there are few parallel instances, as they not only instantaneously dismounted his whole artillery, but annihilated every column in measure as they presented themselves, still protecting the points attached, and varying its positions according to the exigency of circumstances.—The last attack was made by Gen. Dupont, who, with the other generals, placed himself at the head of the colums, under the fire of the artillery, and was sustained with a firmness truly admirable, but with no better success, for by the account on the enemy, he had fourteen guns dismounted, two thousand men killed, and a vast number wounded, among whom are Gen. Dupont himself, with two other generals.—Under such circumstances Gen. Dupont begged to capitulate. Hostilities were accordingly suspended in both armies and it was stipulated that each should maintain its respective position. The fruits of the valour and perseverance of the generous troops that compose these two divisions, are the total rout of the enemy, the army of Dupont being made prisoners, and that of Wedel being subjected to the same fate, without any other distinction than that of the latter receiving their arms at the time of their embarkation only, for having taken position against military law, during the suspension of arms conceded to him and to his commander-in-chief.—The camp-marshal marquis de Compigny, chief of the second division, has not only, in concert with me in the direction of the movements of this day, contributed to their successful termination, but having selected the corps of which I have made mention, he led them in person to the hottest points of the three general attacks, and secured by his judgment and gallant example the said happy result.—Brig. Gen. Don Francisco Benegas, chief of the van of my division, placed on my right wing, disposed with skill, and much presence of mind, the proper corps and artillery on all the points attacked by the enemy, and ably contributed to repel him in all his partial successive attacks, as well as in the last general and obstinate one, by which he attempted to turn the said wing, at the same time that he was attacking the centre.—[The remainder of this document is merely recommendatory of the regiments and individuals who distinguished themselves on the occasion.]—(Signed) Reding.

Letter from the Most Illustrious Senor Don Raphael Thomas, Bishop of Santander, and Regent of the Province of the Montaignes, to the right hon. Lord Castlereagh, Principal Secretary of State to his Britannic Majesty. Dated Cumillias, near Santander, July 23, 1808.

My Lord;—Having been appointed regent of the province of Santander, and president of the general assembly thereof, which, in the name of Ferdinand the seventh, governs and defends it against the invasion of the French, or rather against that monster of all monsters, Napoleon Buonaparte:—I feel the utmost satisfaction in having the honour in quality of regent, of manifesting to your excellency the high respect and sincere gratitude, which (in common with all this province) I owe to the magnanimous sovereign, of whom your excellency is deemed worthy to be minister, for the frank intercourse, and generous supplies, tendered by the British nation to this province, by major Roche, in his majesty's name.—Nothing can contribute more strongly to cement the harmony and amicable intercourse which happily now exists between both nations, than such generous conduct: or can contribute more effectually to shake off the oppression which Spain labours under, owing to the artful intrigues of that infamous chief of robbers, assisted by our ancient bad government.—It will be a source of infinite gratification to me, and to every good Spaniard, to see a cordial and reciprocal good understanding established between Great Britain and this country.—I beg leave to repeat, my lord, my best acknowledgements for what has already happily taken place, and to express my hopes that your excellency will encourage, by such means as shall appear most expedient, a commercial intercourse between both nations, under the protection of a British flag; and here I owe it, in justice to the commanders of his majesty's ships upon this station, to say, that they have the strongest claims to our esteem, for having shewn every disposition to promote the intentions of the British government; but, more particularly, I beg to have the honour of recommending to your excellency's notice major Roche, whose exertions in fulfilling his majesty's gracious and generous views towards this country have been unremitting—and who, in the frequent intercourse I have had with him has conducted himself entirely to my wishes.—Accept, my lord, the assurances of my

gratitude, respect, and consideration: and may the Almighty prosper all your excellency's undertakings!—RAPHAEL THOMAS.

Flight of King Joseph. From the Oviedo Gazette Extraordinary.

Madrid, Aug. 2.—On the 29th ult. about four o'clock in the evening, it was reported that Joseph Napoleon was marching, and that all the troops in the city were following him. This report was confirmed by the movements made by the French milliners and all those of that nation who did not belong to the army. The same evening they withdrew from the hospitals, and conducted to Retiro all the infirm soldiers, They put in requisition all the carriages and horses that could be found, and the troops prepared to march In fact, that very night and on the morning of the 30th, a greater part of the army, the sick, milliners, tradespeople, &c. of the French nation set out. On the whole day of the 30th, there followed preparations for the march of Joseph and the remainder of the army. He dined at half past four in the afternoon, in order to proceed, in the dusk, to sleep to Chamartin. The carriages were harnessed, and repaired to the court of the palace, but the coachman and mule-drivers, and most of the attendants of the royal carriages had disappeared! On which account Joseph could not depart that night, and was obliged to suspend his journey to the morning of the 31st, when he departed on horseback, as he was unable to put the carriages in motion. The same morning he took from the stables all the mules, horses, and harness, and shamefully sold all at the lowest price. In the evening of the same day, they forced open the gates of the public treasury and bank, putting the people in such terror, that we passed a most anxious night, thinking that a general pillage was about to take place They took from these buildings above fourteen millions. At two in the morning of the 1st instant was heard a cannonade, which, though at first it was taken for a fatal signal, was in fact but the precursor of the brightest and happiest day that ever rose over Madrid. On this signal all the guards were withdrawn, and all the French filed off towards the parade, whence they marched off. Scarcely did day appear, when all the people ran through the streets, and the posts of the guards, but nothing was to be found. They passed to the Retiro, and there they found only a few dying wretches, and here and there a dead body. They beheld with amazement, the ditches, pallisadoes, and terrible batteries, directed against this city. The gun-carriages were in flames, above 70 cannon were spiked, and about 2000 barrels of powder thrown into a large pond. The inhabitants of Madrid, on seeing themselves delivered from this destructive apparatus, gave thanks to the Supreme Being, and immediately began to assume for their badge, the portrait of Ferdinand VII.

Madrid, Aug. 6.—Yesterday the junta of council and alcaldes of the court, ordered that every one, from the age of 16 to 50, should immediately enlist and take up arms; but we are assured that this order will not be put in force, owing to the arrival of two aids-de-camp from General Castanos; and to-morrow a *Te Deum* is to be sung. It seems the French have taken the road to Navarre: and besides having put their mules and horses to feed on our corn, they have burned all the Indian corn, and sacked the towns. This is the manner in which these ungrateful wretches have repaid us for the reception they got from us; but this ought not to astonish us, as they do not regard the welfare of their own nation. A well known milliner, in this city, sought the protection of her own countrymen, and proceeded with the army, carrying with her many millions, the fruit of the ridiculous Spanish taste for French fashions; but on the road her protectors robbed her, violated her person, and afterwards murdered her! A party of Andalusian smugglers who left this place in pursuit of the French, were fortunate enough to overtake some suttlers that were with the army, and took from them 700,000 reals with other effects. Two close coaches entered here, and went immediately to the new palace, where they left the equipage that they were conducting. They went afterwards to the jail of this city, where they lodged the people that were in the carriages, without our being able to know to this moment who they were.

Madrid, Aug. 10.—The armies of Valencia and Arragon entered this city yesterday. They came with the intention of driving out the French, and have now followed them towards the frontiers. All the troops that were in the garrison have accompanied them, so that the police of this city is now carried on by the inhabitants, from which duty no one is exempt, not even the ecclesiastics.—An enlistment has been ordered, comprizing all males between the ages of 15 and 50, without any exception. —The 24th will be a grand day in this capital and its vicinity, for on that day Ferdinand the VIIth will be proclaimed here and at Toledo.

Madrid Gazette Extraordinary.

This was published in consequence of

tumults taking place after the departure of the French. We can only give the substance. It is signed by the governor Don Bartolome Munoz. It commences with an animated appeal to the Castilian character, and beseeches the people, at a moment when Fame is publishing the glorious victories of their brother Patriots over the invincibles of Marengo, Austerlitz, and Jena, not to stain the reputation of the country by disturbances. It then proceeds.—"The fate of the innocent victims of the 2d May, whose blood is still smoking on our ground, ought to warn us. The infamous perpetrator has escaped us (Murat), but the vengeance of Heaven will overtake him."—The gazette concludes with orders for raising men in the different parishes, and regulations of much energy connected with this measure. It enacts that an alcalde shall, with a notary, go round each parish, and in a book enter the names of those who may voluntarily enlist, specifying their age and occupation, their wish either for the infantry or cavalry, what description of arms they may be in possession of, and whether they undertake to subsist themselves, or demand pay. Those who do not proffer personal service, are to specify whether they will undertake to supply arms, money, or clothing. It is, however, intimated, that if their country shall want their services, all from the age of 15 to 50 shall be enlisted without regard to their consent or refussl. Such persons as have already been in the army, are to specify whether they are incapable of further service, and the rank they formerly held.

His Excellency Don Gregorio De La Cuesta To the Junta of Salamanca.

Excellent Sirs! The general directory of the port of Madrid has under yesterday's date communicated to me by express, that on the 30th day of July a considerable stir was observed among the French troops in the capital, amounting to 22,000 men, which announced a general retreat, which is attributed to the disturbances in their government, and to the notice which they had received of the capitulation of their army in Andalusia under the command of general Dupont. Within 64 hours of their having been apprised of such event, they have effected their departure from the capital, with all the sick that were able to follow together with all the French natives resident in Madrid; so that the capital has been completely freed of all Frenchmen, of whatever character or description: Even the last division passed, on the first, by the Inn de Pesadilla. distant four leagues from the court. Their march will be slow, on account of the immensity of baggage and incumbrances, arising chiefly from the spoliation of his majesty's palaces and the town, which they have plundered, as well as the general treasury and treasury of consolidation.—Gregorio De La Cuesta.—Quarters general at Munoz, Aug. 5d 1808.

Trait of Generosity of an Englishman.

Letter addressed to Messrs. Don Channel Benito de Cannedo, and Don Felixe Gonzalez Pola, citizens at this royal consulate of Corunna:—Corunna, August 10.—Gentlemen,—You will be pleased to receive, and deliver in my name, the sum of reals Veillon 45,176:17 to the supreme Junta of this kingdom, in order to the same being employed as they, together with the existing authorities in Spain, which have formed a common cause against France, shall best direct. I have the honour to be, &c. Frederic Grellot, of London.

Circular Letter transmitted by the Council of Castile to the several provincial Governments of the Country, dated Madrid, Aug 4.

Excellent Signor;—Madrid, which has groaned during more than four months under the heavy and irresistible yoke of the French army, begins to breathe again, through an especial interference of Divine Providence; and the council which could not fail to be involved in a great degree in the consequences of this subjection, avails itself of the first moments of its liberty to state its sentiments to your excellency. It is certain, that these cannot but correspond with the immutable loyalty and the indelible love of justice and reason which always constituted its character, and have gained it in all times the confidence of the nation. It is this which has supported them in the midst of the greatest dangers, and added firmness to the constancy with which they refused to recognise the king whom the most monstrous perfidy had designated from them, further, perhaps, than circumstances justified. The supreme tribunal does not doubt that your excellency will be convinced of this truth, as well as of the sincerity with which it has now the felicity to be able openly to avow, that firm resolution which it had always kept, to support with all its power its lawful sovereign and his rights, and those of the nation, as declared by the law. The sentiments and desires of the most faithful city are the same, and the council submits them to the general judgment of the nation. At the same time that it carries into effect all the means which the present critical circumstances permit, it will adopt, in conjunction with you, the plan and measures of defence which may be prac-

ticable—weak and insufficient, certainly, as its own resources are without the prompt and efficacious aid which it promises itself from your excellency.—With respect to the measures of another kind which without doubt will be necessary for the salvation of the country, and its elevation to that rank to which it rose in the times of its prosperity, it belongs to the council merely to rouse and excite the authorities of the nation, with which it will co-operate by contributing for the general welfare, its influence, its counsel, and its knowledge. As it is not possible to adopt, under the present extraordinary circumstances, the expedients pointed out by the laws and customs of the nation, the council will not occasion delay by elaborately suggesting what might perhaps be the fit means of fixing the representation, and ascertaining the opinion of the nation; and confines itself for the present to the indication of a measure in which it would concur with the greatest satisfaction, viz.—that your excellency would be pleased to send, with the greatest dispatch, deputies who enjoy your entire confidence, and who, acting in concert with the persons named by the Juntas of the other provinces and the council, might confer on this most important object, making such arrangements that all projects and expedients proceeding from this common centre may be as expeditious as the end to be attained may require.—Your excellency has displayed such striking proofs of your constant attachment to the king whom Providence has given us, and of your ardent zeal for the honour and fidelity of the nation, that the council cannot but expect with entire confidence, that your sentiments will concur with those of the other provincial Juntas, to whom it has this day transmitted the present manifesto: and that you will continue to evince the same solicitude and zeal you have hitherto shewn, as well in dispatching to the council and capital the prompt aid of troops, which will shelter them from fresh oppression, as in uniting the aid of your authority and ability to that of his supreme council, in concerting measures for the defence of the whole nation. May God preserve your excellency many years!

Proclamation of the Council of Castile, to the People of Madrid, on the Departure of the French.—Aug. 5.

Generous and worthy people of the capital of Spain! The council addresses you; and before it states its sentiments to you, it asks—are you capable of availing yourselves of the misfortunes of your country in the critical state in which it now is, to perturb its tranquillity, and add to the calamities of its situation? Your noble conduct corresponds, as might be expected, with the valour and virtue which form your character. The council rejoices that you follow the advice it formerly gave you, and that you trust in its paternal solicitude. Continue, faithful Spaniards, to be calm, that the worthy chief, and the magistrates who preside over you, may meet all the dangers which can occur, and fulfil with exactness all their obligations. When fame admires and publishes the victories of our valiant countrymen over the invincibles of Marengo, Austerlitz, and Jena, it is not possible that you could commit the shameful act of warming yourselves by the conflagration of their houses and effects. Such actions would fill with horror the virtuous armies which are surrounding us for our protection. They have left their properties to defend ours; they have abandoned their hearths, and been lavish of their lives, because they would not endure the slavery of our good king, and the death of the monarchy; and it is through their efforts only that we are free from a perfidious enemy who persecuted us. We are not so perfidious (you will answer), that while they are approaching, covered with glory and the blood of the enemy, we should forget our obligations, and occupy ourselves solely in judging arbitrarily of the fidelity and conduct of our fellow countrymen. This is the language of honour, which characterizes you: do not forget it. Yes! it is the malevolent, who cover their depredations, their conflagrations, and their homicides, on such mournful occasions, with the pretext of justice, without reflecting, that it is not lawful for any one to be, of his own authority, the administrator of justice. The supreme tribunal assures you, that if there have been among us any traitors to their sovereign and their country, it will avenge their crimes, and if they merit it, cast them away, as unworthy of the name of Spaniards. Judge no one, for that renders you liable to sacrifice many innocent. Adore Divine Providence, which has known how to humiliate in an instant the proud, and which will as little suffer to remain unpunished incendiaries and assassins. —Worthy citizens! good men! and true patriots! Arm yourselves against the iniquity of those who purpose to grow rich with your property, the price of the sweat of your brows. The council watches for your safety. Lend them aid, and impeach those who assume the false title of neighbours, but are mere vagabonds, who, flying from before their own magistrates, conceal

their vices amid the confusion of the capital. Already your victorious countrymen are near, crowned with laurels, which will not fade in the course of future ages. All Europe has been surprised at the progress of their rapid victories. Arragon, Catalonia, Valencia, Andalusia, La Mancha, Estramadura, Murcia, Carthagena, Castile, Leon, Asturias, Santandur, and Gallicia, have shed around them never fading glory. Already they have raised numerous armies; already they have defended the principal points of Spain; alreathey have secured the chief maritime ports, and captured ships and squadrons at Carthagena. We owe all to God, and our Lady, the Virgin, who have protected our cause. Let us, therefore, cast off our lethargy, and purify our manners, which were arrived almost at the pitch of complete corruption. Let us acknowledge the calamities which the kingdom and this great capital have endured, as a punishment necessary for our correction. The innocent victims, whose blood has streamed from their native soil, have implored forgiveness for us. The one immortal and omnipotent God of armies has heard their supplications, and is appeased. Will it be just that we should now commit new abominations, robberies, insurrections, and excesses? There cannot be a being of so great ingratitude as to think this. Unite, virtuous Spaniards, to receive, as soon as possible, the reward of your heroic fidelity. —The government, and the faithful provinces, will be filled with joy, when the council exhibits before you and all Europe the constant firmness with which the men of honour, the most elevated nobility, the superior tribunals, and the chiefs of the nation, have sustained your cause, and the rights of the throne. Not a few individuals among them have been led by fraud and force far beyond the limits of Spain; and, though without liberty, and exposed to the severest insults, they have proved the inflexibility of their loyalty, and the religious purity of their opinions. Distrust even their signatures, which have been circulated among you, and wait with patience for the testimonies of their conduct. The principal author of these calamities is free, and beyond your jurisdiction; but heaven will not permit him to remain unpunished.—And you, ye victorious armies of Spain! fly and protect this capital which longs for you. Till then it has no other defence, than in the heart of the kingdom, and the recent departure of the enemy. Let us together prostrate ourselves before the sacred altars of our God, and return him thanks for his wonderful mercy. Here your fathers, your mothers, your brothers, and your friends, await you, to embrace you, and proclaim you our deliverers. O how happy that day! how true that joy! Wipe away your tears, you disconsolate widows, and you wretched orphans, who have lost those whom you loved! Your fathers, and your faithful husbands, died in the field of honour, in the defence of their country; they perished, but their memory shall not perish. Here you will meet with generous and grateful souls, who will provide for your maintenance, as your husbands and fathers provided for theirs. The Spanish nobility are distinguished for their generosity and greatness of soul, and will not deny a debt as flattering as it is just. God grant that no evil-minded persons may frustrate, by their excesses and rapine, such laudable intentions, and fill this city with lamentation and mourning. Worthy neighbours! it is for you we act: live in confidence that the council and all the magistrates of this capital will protect you, and will deliver over the guilty to the severest punishment. God grant that there be no occasion to draw the sword of justice; let it be employed against the enemies of the nation—against the oppressors of our liberty, and against those who, violating their promise, avail themselves of our defenceless state to sacrifice us. May it please Heaven to grant, speedily, the fulfilment of those desires which are engraved on the hearts of all Spaniards, and those of its council! —D. Bartolome Munoz.

Proclamation to the Biscayans.—Dated Bilboa, Aug. 6.

Noble Biscayans!—The bitter grief which oppressed your hearts, at seeing your native land threatened with the odious yoke of the most cruel slavery, has at length broken through the barriers which the irresistible force of circumstances had imposed upon you; yes, your sufferings are now at an end; and a generous youth, full of holy ardour, are flocking with eagerness to their standards.—You called for chiefs to command you; and you now see placed at your head men celebrated for their talents and military knowledge, who will conduct you as it were by the hand to victory. The creation of a presiding junta, to direct your operations, has been one of the principal objects of your careful attention. Here you possess it, addressing you in the language of truth. —Inhabitants of Biscay! cast your eyes back on the ages which have passed, and you will see your ancestors at one time repulsing the Carthaginians; at another destroying the hosts of Rome; at one period was granted to them the honourable distinction of serving in the van of the army; a

another, the privilege of citizens. Imitate the glorious examples of your so worthy progenitors.—Yet know that absolute subordination to your chief, and severity of discipline, are the first of martial virtues, without which none can present themselves with the hope of success in the plains of honour. The junta promises itself that you will possess them in an eminent degree.—Let the unholy voice of party passions for ever disappear from among you: and let the suggestions of envy hold no sway in your bosoms. No; let a perfect and indissoluble union reign among you. Your interests are the same—the sentiments which animate you alike—and the cause which you defend, common. Will you, therefore, seek to turn your force against your brethren and countrymen, and to give the victory to your enemies? Perish so disgraceful an idea! Let the liberty and property of individuals be most religiously respected, and let the province of Biscay preserve the purity of its customs, even in the midst of the din of arms.—Biscayans! The religion of your fathers, according to whose holy maxims you have been educated—the country to which you owe your existence—the Lord (or Sovereign) which the constitution and the laws have prescribed to you—these are the important objects which claim your attention, and oblige you to march out to the glorious conflict. Can you bear to be the victims of one man's ambition who has endeavoured to enslave all Europe? No; you were not born for slavery.—Hasten then to give the most undoubted proofs of your valour and patriotism, and rely upon all the assistance which the junta can afford you. May your temples be surrounded with laurels of victory, and your name be immortal in the annals of Biscay! (Signed) D. Mathias Herrero Prieto. D. Juan Joseph de Yermo. D. Fracisco Borja Urtado de Corcuera, &c. D. Jose Xavier de Goitia, Secretary of the Junta.

Proclamation of our Holy Father Pope Pius VII, to the Catholic Spaniards.

Beloved Children;—You who deplore at the foot of the altar the wounds given to religion—You who are still mindful that we form one people of brethren, join we, the vicar of Christ; approach ye families, the remnant of vast destruction, to the throne of my predecessors, to see me, like Daniel, surrounded by lions; preserved hitherto by the inscrutable designs of Providence—I see the vessel of St. Peter entrusted to my care combated by the fierce apostate, whom myself have placed on the throne, and who, like a degenerate son, pants for the destruction of his mother, the church, to whom he had sworn fidelity at her altar. But let us draw off the veil that covers so great iniquity. The first victim that was sacrificed to his ambition has been your shepherd. Rome, the centre of faith and the shield of religion, has been prostituted. The idol Dagon has been united to the cruel Antioch of our days to accomplish the destruction of religion, which is the great bar to his perfidious designs. However, do not despond. The successor of St. Peter is still extant, though overwhelmed with affliction; groaning under his chains, he lifts his eyes and tremulous hands to heaven, imploring incessantly the protection of the God of hosts over his flock!—Oh! the happy effects of religion! In this fatal situation, my soul, penetrated with Christian feelings, learns with transport and surprise, that Spain, happy Spain, has remained true to her religion and king. I hasten, my beloved children, to surmount the shackles by which I am depressed, to transmit to your kingdoms the circular that will testify to you of my gratitude. Arouse, and combat, like David, the imperious Goliath of our times.—Valorous Spaniards, sons of the church, come and break the chains of your shepherd. Already my heart assures me of your sensibility; do not tarry; raise the standard of faith; victory invites you; come then to your brothers in bondage. Raise your tents, and pursue the usurper of nations. Enter into the heart of his dominions, and follow him to the remotest limits of the earth. Shew to the nations of the North that oppression is in its agony, and let the Spanish sword strike the decisive blow on the guilty head. Compassionate the ill-fated kingdom of France, condole with its people, and they will assist you to overwhelm her traitorous tyrant. Oh, with what transport will the Catholic Ferdinand learn the intrepidity and heroic loyalty of his subjects! The streight situation to which he is, like myself, doomed, precludes the means to him of manifesting the sentiments of his magnanimous heart. I feel not the strength of saying more. If I survive the calamity, and you spill your blood for religion, your country and monarch, to whom I supplicate from heaven all happiness, the world shall be witness to my gratitude.

The Supreme Council of Castile to the Capt. General of Arrogan.—Aug. 4, 1808.

Sir—After having laboured for four successive months under the most grievous oppression, this capital has at last been so fortunate as to be liberated from the numerous French troops, which had invaded its precincts and vicinity. The council which

has groaned under their galling yoke, would deem itself wanting to its duty, if, accrediting you and your gallant companions in arms as the deliverers of the country, it did not hasten to manifest to you its satisfaction, and the sentiments with which it hath been constantly animated, and has the happiness to express at present. From the first moment of its liberation it has taken all the measures, that circumstances have allowed, to direct to the common cause, the loyalty and ardent vows of this faithful capital and its whole district; these however, for the present, will not be such as the zeal of the council and of this city would wish; they will be insufficient to the putting them free from fresh opression.—The council doubts not but your excellency will coincide with them in this request, and contribute to the safety of the capital and its public departments, with all the efficacy in your power; and the illustrious proofs of zeal and conduct already most amply by you manifested, are a sufficient assurance to them that you will adopt the means to the exigency of the circumstances.—To his excellency the Captain General of Arrogan, Don Joseph de Palafox y Melzi.—By command of the council.—ARIAS MON.

Answer of his Excellency the Captain General of Arragon, Don Joseph De Palafox y Melzi, to the Council of Castile.

The notification which you, under date of the 4th instant, have communicated to me in the name of the council, and of which I had already the knowledge, has afforded me the most heartfelt gratification. Considering that the inhabitants of the capital, who have endured the most intolerable vexation, owing to their loyal attachment to their sovereign, which will eternally redound to their honour, are now freed of their invaders, it gives alike to me, and to the good inhabitants of this kingdom universally, cause of happiness and exultation.—The unalterable integrity of the council, the dignity of its ministers, and the wise policy of which there has been ere now ample demonstration, has rendered that court respectable even abroad. In the melancholy circumstances in which Spain has been placed by the most unparalleled treachery recorded in history, this court has not fulfilled its duties; many of the individuals of which it was composed have most satisfactorily justified themselves, whilst others, perhaps allured by the seducive promises of the enemy, or enstrained by the perversity of their disposition, have either remained irresolute, or even taken part against their own country: of this I have had sufficient evidence, and to my inexpressible sorrow have I known them direct the operations of the enemy, and witnessed them approach with effrontery the walls of Saragossa, write inflammatory papers, and propagate doctrines dishonourable to the Spanish name.—I am aware that the council has not been at liberty to act freely, and that they have been constrained to serve only as organs of the dispositions of that execrable government; but the general will of the nation having once been expressed, it would have been highly important if they had transferred themselves to the provinces, and made common cause with them, were it only to withdraw their sanction from the circulation of the scandalous and deceptious writings which have made their appearance: and to this no insuperable obstacle appears to me to have stood in their way; or had there been any, the common interest and welfare of the nation ought at any rate to have risen paramount to every private speculation.—It is now nearly two months that this city has been encompassed by the enemy; by the baseness of whose conduct we discern that they make crime their study. To rapine, violence, turpitude, and iniquity, they have added ferocity, by sacrificing even infants—the sick and wounded; nay, their very benefactors. They have bombarded this heroic city in a cruel manner; and though their irruption into this kingdom has been well avenged, we have, nevertheless, not repulsed them without spilling the blood of many a brave and virtuous defender of the country, and without involving many others in distress. Regarding myself, I have been more critically situated than any other commander, being without one single soldier, and placed within immediate reach of the enemy, from my proximity to his frontiers, and liable to be attacked at once from Catalonia, Castile, and Navarre; but in despite of all, our love for king, country and religion, has made me contemn all dangers, considering timidity and irresolution as tantamount to the greatest crime. I have spared some assistance to Catalonia, to Navarre, and other provinces, who have cheerfully acted with me, and claimed my protection, and I have happily been enabled to repel the enemy, which I trust shortly to put to flight, if any part of the wreck shall remain. Then I shall fly to the succour of the capital, if needful, which I request you to represent to the council for promulgation.

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